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Rebecca McDowell Cook
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item 1. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1998. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, 386.250, 392.200 and 392.540, RSMo Supp. 1998, the commission hereby terminates an emergency rule effective November 30, 1999, as follows:

4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider is terminated.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1719-1720). The commission filed a final order of rulemaking for 4 CSR 240-33.150, which will be published in the October 31, 1999, *Code of State Regulations* and will be effective on November 30, 1999. Therefore, in order to avoid having two rules regarding Verification of Orders for Changing Telecommunications Service Provider effective at the same time, the commission will terminate the emergency rule, effective November 30, 1999.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 50—Missouri State Highway Patrol

Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.350 Applicability of Motor Vehicle Emission Inspection. This rule identified the geographical area of the emission inspection program and the vehicles which were required to be emission tested.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

EMERGENCY STATEMENT: *Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.*

AUTHORITY: *section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Emergency amendment filed Dec. 22, 1983, effective Jan. 6, 1984, expired May 5, 1984. Amended: Filed Jan. 13, 1984, effective April 12, 1984. Emergency amendment filed Jan. 23, 1984, effective Feb. 3, 1984, expired May 25, 1984. Amended: Filed Feb. 10, 1984, effective May 11, 1984. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.*

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 50—Missouri State Highway Patrol

Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.360 Emission Fee. This rule identified the fee to be charged for performing an emission inspection.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.370 Inspection Station Licensing. This rule outlined minimum inspection station requirements for licensing emission inspection stations.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable

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AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed April 2, 1987, effective June 25, 1987. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.380 Inspector/Mechanic Licensing. This rule outlined minimum requirements for licensing of inspector/mechanics to perform emission inspection tests.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed April 2, 1992, effective Sept. 6, 1992. Amended: Filed June 2, 1993, effective Nov. 8, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSON

11 CSR 50-2.390 Safety/Emission Stickers. This rule established procedures to be followed by inspector/mechanics when issuing safety/emission stickers and in purchasing safety/emission stickers from the Missouri State Highway Patrol.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

EMERGENCY STATEMENT: *Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.*

AUTHORITY: *section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed Aug. 14, 1987, effective Nov. 12, 1987. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 3, 1994, effective April 30, 1995. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSON

11 CSR 50-2.401 General Specifications. This rule described the general specifications of the Missouri Analyzer System. The Analyzer System has been used to perform state inspections on motor vehicles in specified areas of the state.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

EMERGENCY STATEMENT: *Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.*

AUTHORITY: *section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSON

11 CSR 50-2.402 MAS Software Functions. This rule described the software functions of the Missouri Analyzer System.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

EMERGENCY STATEMENT: *Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.*

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.403 Missouri Analyzer System (MAS) Display and Program Requirements. This rule described the computer screen displays and the software programming requirements of the Missouri Analyzer System.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.404 Test Record Specifications. This rule described the vehicle test record and calibration data file formats for the Missouri Analyzer System. The test record and calibration data stored the vehicle inspection and gas calibration data generated in the operation of the analyzer.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Feb. 16, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.405 Vehicle Inspection Certificate, Vehicle Inspection Report and Printer Function Specifications. This rule described the vehicle inspection certificate, vehicle inspection report and printer functions for the Missouri Analyzer System. The system used one printer for printing inspection certificates and another for the vehicle inspection report and general printing.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an

immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Amended: Filed April 2, 1992, effective Sept. 26, 1992. Amended: Filed June 2, 1993, effective Nov. 8, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.406 Technical Specifications for the MAS. This rule described the technical specifications for the Missouri Analyzer System. The technical specifications included the maintenance functions to be performed by the analyzers, the operating conditions and the hardware.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

EMERGENCY STATEMENT: *Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.*

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.407 Documentation, Logistics and Warranty Requirements. This rule described the documentation, logistics and warranty requirements for the Missouri analyzer specification.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

EMERGENCY STATEMENT: *Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.*

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.410 Vehicles Failing Reinspection. This rule outlined procedures to be followed by inspection station operators and inspector/mechanics when a vehicle failed reinspection.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

EMERGENCY STATEMENT: *Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the*

exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Amended: Filed April 2, 1992, effective Sept. 6, 1992. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the **Missouri Register**.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.420 Procedures for Conducting Only Emission Tests. This rule provided a procedure for conducting only an emission inspection on motor vehicles which had been safety inspected within the past sixty days.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Emergency rule filed Dec. 27, 1983, effective Jan. 6, 1984, expired May 5, 1984. Original rule filed Jan. 13, 1984, effective April 12, 1984. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 3, 1994, effective April 30, 1995. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the **Missouri Register**.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

EMERGENCY AMENDMENT

13 CSR 73-2.015 Fees. The board is amending subsections (1)(B) and (1)(C) and section (2).

PURPOSE: The amendment removes the dollar amounts set for the national and state exams and replaces it with language stating that fees will be determined by the National Association of Boards of Examiners of Long Term Care Administrators (NAB). Beginning January 1, 2000 Missouri will no longer control those fees but will transmit fees from the candidate to NAB.

EMERGENCY STATEMENT: The Division of Aging and the Board of Nursing Home Administrators (BNHA) has determined that an emergency amendment should be filed to establish current rules setting forth the procedures for the nursing home administrator licensure examination beginning January 1, 2000. The current rule describes the procedures for a paper-and-pencil (P&P) exam given quarterly. On January 1, 2000, the National Association of Boards of Examiners of Long Term Care Administrators (NAB) will no longer offer the P&P exam used by the BNHA but will implement computer based testing (CBT) for all states.

The BNHA finds a compelling governmental interest to establish as early an effective date as possible to allow applicants to submit the necessary application and fee for testing prior to January 1, 2000. Section 344.030.2(3) requires that the applicant pass an examination administered by the Board. The purpose of the exam is to protect the public by ensuring that entry-level nursing home administrators have mastered a specific body of knowledge and can demonstrate the skills and abilities essential to competent practice within the profession. Missouri candidates cannot take the licensure examination if the BNHA does not take steps to invoke CBT. This emergency amendment will allow the BNHA to adopt the necessary procedures to comply with Section 344.030.2(3) mandating that the applicant pass the examination prior to becoming licensed as a nursing home administrator.

The BNHA has followed procedures best calculated to assure fairness to interested persons and parties under the circumstances. The Board has kept the industry associations informed over the past 6 months of the changes and they support the decision to file the necessary amendments to implement CBT. The Board was unable to file a proposed amendment prior to November 1 because of the delay in finalizing the procedures and receiving information from NAB.

The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Board believes the emergency amendment is fair to all interested persons affected by the circumstances. A proposed amendment covering this same

material is published in this issue of the *Missouri Register*. This emergency amendment was filed November 17, 1999, effective December 11, 1999, and expires June 7, 2000.

(1) The following fees are *[established]* required by the Board of Nursing Home Administrators:

(B) *[National and State Exam Fee or National Exam Fee (when taken on one of the designated quarterly testing dates) \$150.00]*

National exam fee and computer administration fee for the national exam as fixed by the National Association of Board of Examiners of Long Term Care Administrators (NAB);

(C) *[State Exam Fee for Reciprocity Candidates and for Candidates Needing to Retake the State Exam \$50.00]* State exam fee and computer administration fee for the state exam as fixed by the National Association of Board of Examiners of Long Term Care Administrators;

(2) *[All] If* Fees listed in (1)(A) and (D)–(H) must be made payable to the *[director of revenue]* Division of Aging in the form of a cashier's check, company check or money order. Fees listed in (1)(B) and (C) must be made payable to the National Association of Board of Examiners of Long Term Care Administrators (NAB).

AUTHORITY: section 344.070, RSMo *[Supp. 1993] Supp. 1998*. Original rule filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed March 4, 1993, effective Aug. 9, 1993. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

EMERGENCY AMENDMENT

13 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators. The board is amending section (3).

PURPOSE: The amendment removes the exam fee amount and revises the language to prepare for computer-based testing to be implemented January 1, 2000.

EMERGENCY STATEMENT: The Division of Aging and the Board of Nursing Home Administrators (BNHA) has determined that an emergency amendment should be filed to establish current rules setting forth the procedures for the nursing home administrator licensure examination beginning January 1, 2000. The current rule describes the procedures for a paper-and-pencil (P&P) exam given quarterly. On January 1, 2000, the National Association of Boards of Examiners of Long Term Care Administrators (NAB) will no longer offer the P&P exam used by the BNHA but will implement computer based testing (CBT) for all states.

The BNHA finds a compelling governmental interest to establish as early an effective date as possible to allow applicants to submit the necessary application and fee for testing prior to January 1, 2000. Section 344.030.2(3) requires that the applicant pass an examination administered by the Board. The purpose of the exam is to protect the public by ensuring that entry-level nursing home administrators have mastered a specific body of knowledge and can demonstrate the skills and abilities essential to competent practice within the profession. Missouri candidates cannot take the licensure examination if the BNHA does not take steps to invoke CBT. This emergency amendment will allow the BNHA to adopt the nec-

essary procedures to comply with Section 344.030.2(3) mandating that the applicant pass the examination prior to becoming licensed as a nursing home administrator.

The BNHA has followed procedures best calculated to assure fairness to interested persons and parties under the circumstances. The Board has kept the industry associations informed over the past 6 months of the changes and they support the decision to file the necessary amendments to implement CBT. The Board was unable to file a proposed amendment prior to November 1 because of the delay in finalizing the procedures and receiving information from NAB.

The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Board believes the emergency amendment is fair to all interested persons affected by the circumstances. A proposed amendment covering this same material is published in this issue of the *Missouri Register*. This emergency amendment was filed November 17, 1999, effective December 11, 1999, and expires June 7, 2000.

(3) The applicant, shall be eligible to take the examination upon submission of the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing, payment of *[an]* the required *[examination]* fees *[of one hundred fifty dollars (\$150)]* and satisfactory completion of sections (1) and (2) of this rule *[, shall be registered for the examination(s). The increase in the fee from one hundred dollars (\$100) will be effective for applicants who register for the April 11, 1990 examination and any examination after that. The fee will remain one hundred dollars (\$100) for examinations taken prior to the April 11, 1990 test date.]*

AUTHORITY: section 344.070, RSMo *[Supp. 1993] Supp. 1998*. Original rule filed March 5, 1974, effective March 15, 1974. Rescinded and readopted: Filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

EMERGENCY AMENDMENT

13 CSR 73-2.070 Examination. The board is amending the rule by deleting section (2), renumbering section (3), adding new sections (3)–(7), renumbering sections (4)–(7), and deleting section (8).

PURPOSE: The amendment is needed to describe the new procedures for examination brought about by the move to computer-based testing (CBT). The exam is controlled by the National Association of Boards of Examiners of Long Term Care Administrators (NAB) and all states must implement CBT on January 1, 2000.

EMERGENCY STATEMENT: *The Division of Aging and the Board of Nursing Home Administrators (BNHA) has determined that an emergency amendment should be filed to establish current rules setting forth the procedures for the nursing home administrator licensure examination beginning January 1, 2000. The current rule describes the procedures for a paper-and-pencil (P&P) exam given quarterly. On January 1, 2000, the National Association of Boards of Examiners of Long Term Care Administrators (NAB) will no longer offer the P&P exam used by the BNHA but will implement computer based testing (CBT) for all states.*

The BNHA finds a compelling governmental interest to establish as early an effective date as possible to allow applicants to submit the necessary application and fee for testing prior to January 1, 2000. Section 344.030.2(3) requires that the applicant pass an examination administered by the Board. The purpose of the exam is to protect the public by ensuring that entry-level nursing home administrators have mastered a specific body of knowledge and can demonstrate the skills and abilities essential to competent practice within the profession. Missouri candidates cannot take the licensure examination if the BNHA does not take steps to invoke CBT. This emergency amendment will allow the BNHA to adopt the necessary procedures to comply with Section 344.030.2(3) mandating that the applicant pass the examination prior to becoming licensed as a nursing home administrator.

The BNHA has followed procedures best calculated to assure fairness to interested persons and parties under the circumstances. The Board has kept the industry associations informed over the past 6 months of the changes and they support the decision to file the necessary amendments to implement CBT. The Board was unable to file a proposed amendment prior to November 1 because of the delay in finalizing the procedures and receiving information from NAB.

The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Board believes the emergency amendment is fair to all interested persons affected by the circumstances. A proposed amendment covering this same material is published in this issue of the Missouri Register. This emergency amendment was filed November 17, 1999, effective December 11, 1999, and expires June 7, 2000.

[(2) Administration of examinations shall be scheduled at least quarterly if one (1) or more applicants are awaiting examination.]

[(3)] (2) [Applicants shall receive written notice of the date, time and place of examination.] The examination must be taken within twelve (12) months of the written notice of board evaluation and qualification. Failure to do so will cause full reapplication to be necessary.

(3) Qualified applicants will be eligible to take the national and/or state examination through the testing service by following the procedures set forth in sections (4)-(7) of this rule.

(4) Applicants must submit the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing and the required fees to the board office. The applicant will receive from the testing service an authorization letter including a list of testing center vendors, each center's toll-free telephone number and instructions on the scheduling process.

(5) Applicants must schedule to sit the examination within 60 (sixty) days of the date on the testing service's authorization letter.

(6) Failure to schedule and sit the examination(s) within the sixty (60)-day period will cause the applicant's name to be removed from the eligibility list kept by the testing service. Applicants may reschedule by resubmitting the NAB Application Form and paying any required fees.

(7) Applicants must comply with all criteria and requirements established by the board, the National Association of Board of Examiners of Long Term Care Administrators (NAB), the testing service and the testing center.

[(4)] (8) Individuals making initial application for licensure, within twenty-one (21) days of a board meeting date, may be required to wait until a subsequent date to be evaluated.

[(5)] (9) Applicants shall obtain a passing score on the examination(s) administered by the board. The passing score shall be based upon the scale score passing point of one hundred thirteen (113) on the federal portion of the examination and seventy-five percent (75%) on the state portion of the examination.

*[(6)] (10) If an applicant fails to make a passing grade on one or both of the required examinations, the applicant may make application for reexamination and *[may be retested at the next regularly scheduled examination]* pay the required fees. If the applicant fails only one of the required examinations and then fails to retake and pass the examination within a twelve (12)-month period, the applicant shall be required to take and pass both examinations before the board will issue the applicant a license. *[The application for reexamination must be received by the board at least twenty-eight (28) days in advance of the scheduled examination time in order to allow sufficient opportunity for preparation.]**

[(7)] (11) If an applicant fails the examination a third time, the applicant must complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for board-approved examination(s). No applicant shall be licensed by the board after a third licensure examination failure unless the applicant successfully completes the board-prescribed course of instruction and passes the board-approved examination(s). With regard to any nationally certified examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed for a third time to pass the examination.

[(8) Each application for reexamination must be accompanied by an examination fee of one hundred fifty dollars (\$150) which is nonrefundable.]

AUTHORITY: section 344.070, RSMo Supp. 1998. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Emergency amendment filed Dec. 13, 1991, effective Dec. 23, 1991, expired April 20, 1992. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed April 30, 1998, effective Oct. 30, 1998. Amended: Filed March 1, 1999, effective Aug. 30, 1999. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

(Bracketed text indicates matter being deleted.)

Title 2—DEPARTMENT OF AGRICULTURE Division 60—Grain Inspection and Warehousing Chapter 1—Organization and Description

PROPOSED AMENDMENT

2 CSR 60-1.010 General Organization. The department proposes to amend this rule by changing section (2).

PURPOSE: This rule is being amended to reflect the Department's current street address and telephone number.

(2) The address of the main division office is—*[Jefferson State Office Building, 13th Floor] 1616 Missouri Boulevard, P.O. Box 630, Jefferson City, MO 65102, [(314)] (573) 751-2558.*

AUTHORITY: section 536.023, RSMo [1986] Supp. 1998. Original rule filed April 9, 1976, effective July 15, 1976. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE Division 60—Grain Inspection and Warehousing Chapter 4—Missouri Grain Warehouse Law

PROPOSED AMENDMENT

2 CSR 60-4.011 Agricultural Commodities To Be Regulated as Grain. The department proposes to change the purpose section to the correct statute number.

PURPOSE: This rule is being amended to correct statute numbers which have changed.

PURPOSE: This rule explains the interpretation made by the department regarding the definition of grain in section [411.026(14)] 411.026(17), RSMo.

AUTHORITY: section 411.070, RSMo [1986] Supp. 1998. Original rule filed March 12, 1982, effective June 11, 1982. Amended: Filed Jan. 11, 1985, effective May 26, 1985. Amended: Filed Dec. 13, 1989, effective May 31, 1990. Amended: Filed Feb. 27, 1991, effective July 8, 1991. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE Division 60—Grain Inspection and Warehousing Chapter 4—Missouri Grain Warehouse Law

PROPOSED RESCISSON

2 CSR 60-4.040 Licensing of Grain Weighers and Grain Inspectors. This rule stated the requirements for obtaining a grain weigher's or grain inspector's license. This rule included forms which are to be deleted from the *Code of State Regulations*.

PURPOSE: This rule is being rescinded due to statute changes which eliminated the requirement of the grain weigher and grain inspector's licenses. All forms are to be deleted.

AUTHORITY: section 411.070, RSMo 1986. This rule was previously filed as 2 CSR 40-4.040. Original rule filed May 5, 1972, effective May 15, 1972. Amended: Filed Feb. 13, 1980, effective May 11, 1980. Rescinded: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law

PROPOSED AMENDMENT

2 CSR 60-4.070 Notification of Destruction or Damage to Grain. The department proposes to amend this rule by changing section (1).

PURPOSE: This rule is being amended to reflect the correct telephone area code for the Grain Regulatory Services.

(1) If grain contained in a licensed warehouse is destroyed or damaged by any means whatsoever, the warehouseman immediately shall notify the Department of Agriculture, Grain Regulatory Services Program, P.O. Box 630, Jefferson City, MO 65102 or by telephoning the Grain Regulatory Services Program at *[(314)] (573) 751-4112*.

AUTHORITY: section 411.070, RSMo [1986] *Supp. 1998*. This rule was previously filed as 2 CSR 40-4.070. Original rule filed May 5, 1972, effective May 15, 1972. Amended: Filed Feb. 13, 1980, effective May 11, 1980. Amended: Filed Dec. 13, 1989, effective May 31, 1990. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law

PROPOSED AMENDMENT

2 CSR 60-4.110 Preparation of Financial Statements. The department proposes to amend this rule by changing subsections (1)(F) and (G), eliminating sections (3) and (7) and renumbering the remaining sections, and deleting all forms which follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being changed to reflect the current law as to who may prepare financial statements and the type of financial statements accepted, and to delete all forms which are a part of this rule.

(1) The following definitions shall apply to these rules:

(F) *[/Public accountant or c/]* Certified public accountant—Any person permitted to engage in the practice of public accounting under Chapter 326, RSMo;

(G) Qualified accountant—A *[/person/]* certified public accountant competent in the application of GAAP provided that this person is not the applicant. Also, that if the applicant is an individual, this person is not an employee of the applicant, or if the applicant is a corporation or partnership, this person is not an officer, shareholder, partner or employee of the applicant; and

[(3) If an applicant submits financial statements as submitted to a bank, the financial statements shall be prepared by a qualified accountant in accordance with these rules. If the financial statements are prepared by a bank officer or other employee of the bank, this person shall be a qualified accountant and shall prepare the financial statements in accordance with these rules. Financial statements compiled or prepared by a qualified accountant who is not also a certified public accountant or public accountant shall not contain an opinion by that person regarding the financial statements.]

[(4)](3) The applicant shall submit copies of the financial statements submitted to the applicant's bonding company, or submitted to the Commodity Credit Corporation in support of a Uniform Grain Storage Agreement, or submitted to the United States Department of Agriculture in support of a federal warehouse license if the financial statements are prepared as of a different date, or for a different period of time, or to show different amounts than those submitted with the application for a Missouri grain warehouse license.

[(5)](4) The financial statements required by these rules shall be prepared in accordance with GAAP except as otherwise allowed or required by these rules.

[(6)](5) All financial statements required by these rules shall be prepared on the accrual basis of accounting unless waived by the director. If waived, the director may require the applicant to provide an estimate, prepared by the applicant's qualified accountant, of the effect of converting the financial statements to the accrual basis of accounting.

[(7) The qualified accountant shall certify, on a form prescribed by the director, that s/he is a qualified accountant.]

/(8)/(6) If the applicant is an individual, the applicant shall submit a balance sheet and a statement of income and expenses for the proprietorship business in accordance with GAAP. If the applicant is an individual, the applicant also shall submit a personal balance sheet. The applicant, in lieu of submitting a business and a personal balance sheet, may submit a combined balance sheet. Personal nonbusiness assets should be shown at the lower of historical cost or estimated fair market value. If the applicant is an individual and desires to show estimated current values that are higher than the historical cost basis for the proprietorship business balance sheet, the personal balance sheet, or the combined balance sheet, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

/(9)/(7) If the applicant is a partnership, the applicant shall submit a balance sheet and a statement of income and expenses for the partnership business in accordance with GAAP. Only the partnership assets and liabilities will be considered in computing net worth. The personal financial statements for the individual partners will not be considered in computing net worth.

/(10)/(8) If the applicant is a partnership and desires to show estimated current values that are higher than the historical cost basis, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

/(11)/(9) If the applicant is a partnership, a copy of a written partnership agreement shall be submitted.

/(12)/(10) If the applicant is a corporation, the applicant shall submit a balance sheet and a statement of income and expenses for the corporation in accordance with GAAP. If the applicant is a corporation and desires to show estimated current values that are higher than the historical cost basis, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

/(13)/(11) If the applicant is a corporation and is a party of a majority- or wholly-owned corporate parent/subsidiary relationship, the applicant shall submit the financial statements required by these rules and the consolidated financial statements. For licensing purposes, the director may use the applicant's net worth or the consolidated net worth. If the applicant is a wholly- or majority-owned subsidiary, the director may require the applicant to submit a corporate letter of guaranty from the parent company on a form prescribed by the director.

/(14)/(12) If the applicant is a corporation and is a part of a group of related corporations that do business with each other where the same individual or partnership owns a controlling interest in all of the corporations, the applicant shall submit the required financial statements for the applicant and the combined financial statements for the group of related corporations.

/(15)/(13) In determining allowable net worth for licensing purposes, the director shall disallow the following assets if s/he is of the opinion that these assets are withdrawals of equity or that these assets are uncollectible: 1) notes receivable due from stockholders, 2) accounts receivable, 3) advances to affiliates, 4) investments or equities in cooperatives or 5) goodwill. The director also may disallow other assets that in his/her opinion are or may be withdrawals of equity, or that are or may be uncollectible.

AUTHORITY: sections 411.070 and 411.260, RSMo [1986] Supp. 1998. Original rule filed Feb. 13, 1980, effective May 11, 1980. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Aufahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law

PROPOSED AMENDMENT

2 CSR 60-4.140 Certificates of Deposit. The department proposes to amend this rule by changing sections (1), (3) and (15), and deleting all forms which follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to reflect the changes in the ending statute number of the current warehouse law and to delete all forms which are a part of this rule.

(1) A certificate of deposit (CD) issued by a bank or savings and loan association that is a member in good standing with the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation respectively may be submitted to the Missouri Department of Agriculture in lieu of a Missouri grain warehouse bond as required by sections 411.010-411./775/800, RSMo. The CD must be in an amount equal to the otherwise required bond.

(3) A CD submitted in lieu of a Missouri grain warehouse bond shall be held in a safe-deposit box of a local bank or savings and loan association by the director of the Missouri Department of Agriculture who shall act as trustee for the benefit of all persons storing grain with the warehousemen as set forth in the Missouri Grain Warehouse Law, sections 411.010-411./775/800, RSMo.

(15) In the event that the amount of the bond required under sections 411.010-411./775/800, RSMo decreases, a licensee may substitute a CD for the lesser amount; however, that substitution shall be made only at maturity of the CD in possession of the Department of Agriculture, or at such time as approved by the director.

AUTHORITY: sections 411.070(2) [, RSMo 1986] and 411.277.1, RSMo [Supp. 1987] Supp. 1998. Emergency rule filed April 15, 1986, effective April 25, 1986, expired Aug. 23, 1986. Original rule filed May 2, 1986, effective Aug. 25, 1986. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Aufahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law

PROPOSED AMENDMENT

2 CSR 60.4.150 Letters of Credit. The department proposes to amend this rule by changing sections (1), (2), (3), (4), (6) and (10), and deleting all forms which follow this rule in the *Code of State Regulations*.

PURPOSE: *This rule is being amended: section (1), to reflect correct statute numbers and UCP form number; section (2), (4) and 10, to allow the director to use a "letter of demand" for payment of letter of credit proceeds; section (3) to include the telephone number for the public to obtain forms from the department; and section (6) to require notification of cancellation by certified mail, and to delete all forms which are a part of this rule.*

(1) A letter of credit issued by a commercial bank chartered under the laws of Missouri or chartered pursuant to the National Banking Act, Title 12 U.S.C. may be submitted to the Missouri Department of Agriculture in lieu of a Missouri grain warehouse bond as required by sections 411.010-411.775/800, RSMo; provided, that the commercial bank adopts and adheres to the rules enumerated in the International Chamber of Commerce publication /UCP-400/ UCP-500 pertaining to letters of credit and issues those letters in conformity with Article V of the *Uniform Commercial Code*, section 400.5-101, RSMo. The letter of credit must be in an amount equal to the otherwise required bond.

(2) The letter of credit shall be irrevocable and the beneficiary shall be the Missouri Department of Agriculture. Payment shall be made immediately upon presentation of a sight draft(s) or a letter of demand signed by the director of agriculture or his/her designated representative without accompanying supporting documentation.

(3) All letters of credit shall conform to a required format, unless waived in writing by the director of agriculture. A standard letter of credit form embodying the required format shall be made available upon the request of any licensee or prospective licensee. Forms may be obtained by directing an inquiry to the Division of Grain Inspection and Warehousing, Missouri Department of Agriculture, P.O. Box 630, Jefferson City, MO 65102 or by telephone at 573-751-4112.

(4) A sight draft or letter of demand upon a letter of credit may be presented for payment only upon the reasons that bond proceeds may be demanded for disbursement and shall apply to all claims whenever arising.

(6) Letters of credit shall have a term of one (1) year which shall be renewable automatically for additional one (1)-year terms. A letter of credit may be revoked by the licensee or issuer only at its expiration date by giving the Department of Agriculture at least ninety (90) days/7 written notice, by certified mail, prior to a renewal date. Notice is not deemed sufficiently given unless the

director of agriculture receives the cancellation notice in writing, by certified mail, at least ninety (90) days prior to the renewal date of the letter of credit. Upon the timely receipt of this notice, the licensee shall be required to arrange for substitution of a suitable bond or certificate of deposit (CD) at least sixty (60) days prior to the expiration of the letter of credit. If satisfactory evidence of these arrangements is not timely received, the director shall proceed in accordance with the provisions of section 411.275, RSMo.

(10) In the event that a plurality of letters of credit from any number of issuers are presented in satisfaction of a licensee's bonding obligation, the director may satisfy claims under the Missouri Grain Warehouse Law by presentment of sight drafts or letter of demand against one (1) or more letters of credit, without regard to proration.

AUTHORITY: sections 411.070(2) /, RSMo 1988/ and 411.277, RSMo /Supp. 1987/ Supp. 1998. Emergency rule filed April 15, 1986, effective April 25, 1986, expired Aug. 23, 1986. Original rule filed May 2, 1986, effective Aug. 25, 1986. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE ENTITY COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Aufahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 4—Missouri Grain Warehouse Law

PROPOSED AMENDMENT

2 CSR 60.4.180 Claim Valuation. The department proposes to amend this rule by changing subsection (L) of section (1), and deleting all forms which follow this rule in the *Code of State Regulations*.

PURPOSE: *This rule is being amended to state the correct statute numbers of the Missouri Grain Dealer Law, and to delete all forms which are a part of the rule.*

(1) The following words, terms and phrases when used in this rule, except where the context clearly indicates otherwise, shall mean:

(L) Storage grain—any grain received in a warehouse, including grain bank grain, unless sold in accordance with the provisions of section(s) 411.325 or 276.401-/276.581/ 276.582, RSMo;

AUTHORITY: section 411.070, RSMo [1986] Supp. 1998. Original rule filed April 19, 1989, effective June 29, 1989. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE ENTITY COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law

PROPOSED AMENDMENT

2 CSR 60-5.010 Agricultural Commodities to be Regulated as Grain. The department proposes to amend this rule by changing the statute number in the Purpose.

PURPOSE: *This rule is being changed to reflect the correct statute number in which grain is defined.*

PURPOSE: *This rule explains the interpretation made by the department regarding the definition of grain in section 276.401[(14)](16), RSMo.*

AUTHORITY: *sections 276.401, [1, RSMo Supp. 1987] and 276.406, RSMo [1986] Supp. 1998. Original rule filed March 12, 1982, effective June 11, 1982. Amended: Filed Jan. 11, 1985, effective May 26, 1985. Amended: Filed Feb. 27, 1991, effective July 8, 1991. Amended: Filed Oct. 25, 1999.*

PUBLIC ENTITY COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE ENTITY COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law

PROPOSED RESCISSION

2 CSR 60-5.020 Interpretive Rule. This rule clarified the definition of a grain dealer.

PURPOSE: *This rule is being rescinded as the rule is now incorporated in the statutes.*

AUTHORITY: *section 276.406, RSMo 1986. Original rule filed March 15, 1982, effective June 11, 1982. Rescinded: Filed Oct. 25, 1999.*

PUBLIC ENTITY COST: *This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE ENTITY COST: *This proposed rescission will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law

PROPOSED RULE

2 CSR 60-5.020 Interpretive Rule

PURPOSE: *This rule explains the interpretation made by the Missouri Department of Agriculture of provisions contained in sections 276.401–276.582, RSMo which may be confusing or subject to differing interpretations by interested members of the public.*

(1) The provisions of section 276.426(2), RSMo, is deemed to mean—

(A) Payment for grain delivered and sold to a licensed grain dealer, with final price established at or prior to delivery, is covered under the grain dealer's security;

(B) Payment of the agreed-upon minimum price of any valid minimum price contract pursuant to 276.461(10), RSMo is covered by the grain dealer's security; and

(C) Except as provided in section (2) of this rule, payment for grain delivered to a licensed grain dealer for which title has transferred to the licensed grain dealer prior to final price being established is not covered under the grain dealer's security.

(2) For the purposes of determining coverage under the licensed grain dealer's security, grain for which a check was issued as payment by a licensed grain dealer that was not paid by the grain dealer's bank, for whatever reason, shall be deemed to be a grain dealer obligation as if the check was never written (priced but unpaid, deferred payment, delayed price, or minimum price).

AUTHORITY: *section 276.406, RSMo Supp. 1998. Original rule filed March 15, 1982, effective June 11, 1982. Rescinded and readopted: Filed Oct. 25, 1999.*

PUBLIC ENTITY COST: *This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE ENTITY COST: *This proposed rule will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
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PROPOSED RESCISSION

2 CSR 60-5.030 Scale Tickets. This rule explained when a Class I grain dealer was required to complete a scale ticket and the information to be contained on the ticket.

PURPOSE: This rule is being rescinded as the subject matter is covered in statutes.

AUTHORITY: sections 276.406 and 276.516, RSMo 1986. Original rule filed March 15, 1982, effective June 11, 1982. Rescinded: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law

PROPOSED AMENDMENT

2 CSR 60-5.040 Daily Position Record. The department proposes to amend this rule by changing the Purpose and sections (2) and (3).

PURPOSE: This rule is being amended to add class II grain dealer to the requirements of this rule.

PURPOSE: This rule requires [a] Class I and Class II grain dealers to keep a daily position record which reflects grain movements in and out of the facility and total grain in the facility.

(2) *[Every] All Class I and Class II grain dealers shall have and maintain a policy for shrinkage due to operational and moisture losses. This policy shall be formulated so that calculated losses are representative of actual shrinkage incurred. Adjustments to the daily position record shall be made for shrinkage. These adjustments shall be made at periodic intervals of at least once per month.*

(3) *Upward or downward adjustments of the daily position record to measured inventory may be made. However, these adjustments shall be made only upon departmental approval or when so ordered by departmental auditors. No other adjustments based on measured inventory shall be made. Upward or downward adjustments of the daily position record to an actual weigh-up of inventory may be made at any time. However, the Class I or Class II grain dealer shall furnish to the department copies of scale tickets used in that weigh-up.*

AUTHORITY: section 276.406, RSMo [1986] Supp. 1998. Original rule filed March 15, 1982, effective June 11, 1982. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law

PROPOSED AMENDMENT

2 CSR 60-5.050 Acceptance of Appraisal Values on Financial Statements. The department proposes to amend this rule by changing subsections (1), (2), (5) and (14).

PURPOSE: This rule is being amended to allow all classes of grain dealers to submit an appraisal for values to be considered in their net worth for licensing purposes.

(1) A grain dealer holding a *[Class I or Class III]* Missouri grain dealer's license or an applicant for a *[Class I or Class III]* Missouri grain dealer's license may submit an appraisal of fixed assets, such as land, buildings and equipment, for consideration in computing net worth. However, if at any time the director determines that a serious cash flow problem exists or that current liabilities far exceed current assets, the director may disallow the use of an appraisal in computing net worth.

(2) An appraisal must be submitted by an individual or company competent and experienced in conducting appraisals and in making assessments of the fair market value of fixed assets, such as land, buildings and equipment. *[(For Appraiser's Certification Form, See 2 CSR 60-4.130)]*

(5) If a grain dealer holding a *[Class I or Class III]* Missouri grain dealer's license or an applicant for a *[Class I or Class III]* Missouri grain dealer's license desires to submit an appraisal, the director may require that the appraisal be conducted by an individual or professional appraisal company holding the designation Member of the Appraisal Institute (MAI) awarded by the American Institute of Real Estate Appraisers (AIREA) of the National Association of Realtors or that the appraisal be conducted by an individual or professional appraisal company who is a member in good standing of the Society of Real Estate Appraisers (SREA).

(14) To assist the appraiser in setting forth his/her qualifications, experience and other information relating to the performance of the appraisal, the director may prepare a form *[(see 2 CSR 60-4.130)]* for use by the appraiser. However, in addition to the appraisal form, the appraiser shall submit a copy of the actual appraisal.

AUTHORITY: sections 276.406[*, RSMo 1986*] and 276.421, RSMo [*Supp. 1987*] *Supp. 1998*. Original rule filed Jan. 11, 1985, effective May 26, 1985. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
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PROPOSED AMENDMENT

2 CSR 60-5.070 Certificates of Deposit. The department proposes to amend this rule by changing sections (1), (3), (12) and (15).

PURPOSE: This rule is being amended to reflect the correct statute numbers of the Missouri Grain Dealer Law, and to remove the requirement that grain dealer license plates be returned to the department upon the surrendering of the license.

(1) A certificate of deposit (CD) issued by a bank or savings and loan association that is a member in good standing with the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation respectively, may be submitted to the Missouri Department of Agriculture in lieu of a Missouri grain dealer bond as required by sections 276.401-/276.581] **276.582**, RSMo. The CD must be in an amount equal to the otherwise required bond.

(3) A CD submitted in lieu of a Missouri grain dealer bond shall be held in a safe-deposit box of a local bank or savings and loan association by the director of the Missouri Department of Agriculture who shall act as trustee for the benefit of all persons selling grain to the grain dealer as set forth in the Missouri Grain Dealer Law, sections 276.401-/276.581] **276.582**, RSMo.

(12) If a licensee desires to surrender its license and requests the return of a CD to the purchaser, the licensee must return its grain dealer license and [*all grain dealer license plates and*] make written request by registered or certified mail with return receipt for return of the CD. Upon receipt of the written request and submission of the grain dealer license, the director shall hold the CD until the director is satisfied that no claims exist, which may include a minimum ninety (90)-day holding period, before the CD is returned to the purchaser.

(15) In the event that the amount of the bond required under sections 276.401-/276.581] **276.582**, RSMo decreases, a licensee may substitute a CD for the lesser amount; however, this substitution shall be made only at maturity of the CD in possession of the Department of Agriculture or at such time as approved by the director.

AUTHORITY: sections 276.406(2), RSMo [*1986*] *Supp. 1998* and 276.431(1), RSMo [*Supp. 1987*] **1994**. Emergency rule filed April 15, 1986, effective April 25, 1986, expired Aug. 23, 1986. Original rule filed May 2, 1986, effective Aug. 25, 1986. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
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PROPOSED AMENDMENT

2 CSR 60-5.080 Letters of Credit. The department proposes to amend this rule by changing sections (1), (2), (3), (4), (6), (7), (10), (11) and (14).

PURPOSE: This rule is being amended to reflect the correct statute numbers of the Missouri Grain Dealer Law, remove the requirement that a dealer surrender the grain dealer plates upon surrendering the license, allow the director to use a "letter of demand" to obtain the grain dealer security, add the telephone number of Grain Regulatory Services to the rule, and add the requirement that notice of cancellation of letter of credit be sent by certified mail.

(1) A letter of credit issued by a commercial bank chartered under the laws of Missouri or chartered pursuant to the National Banking Act, Title 12 U.S.C. may be submitted to the Missouri Department of Agriculture in lieu of a Missouri grain dealer bond as required by sections 276.401-/276.581] **276.582**, RSMo; provided, that the commercial bank adopts and adheres to the rules enumerated in the International Chamber of Commerce publication [*UCP-400*] **UCP-500** pertaining to letters of credit and issues those letters in conformity with Article V of the *Uniform Commercial Code*, section 400.5-101, RSMo. The letter of credit must be in an amount equal to the otherwise required bond.

(2) The letter of credit shall be irrevocable and the beneficiary shall be the Missouri Department of Agriculture. Payment shall be made immediately upon presentment of a sight draft(s) or **letter of demand** signed by the director of agriculture or his/her designated representative, without accompanying supporting documentation.

(3) All letters of credit shall conform to a required format, unless waived in writing by the director of agriculture. A standard letter of credit form [*see 2 CSR 60-4.150*] embodying the required format shall be made available upon the request of any licensee or prospective licensee. Forms may be obtained by directing an inquiry to the Division of Grain Inspection and Warehousing, Missouri Department of Agriculture, P.O. Box 630, Jefferson City, MO 65102 or by telephone at (573) 751-4112.

(4) A sight draft **or letter of demand** upon a letter of credit may be presented for payment only upon the reasons that bond proceeds may be demanded for disbursement and shall apply to all claims whenever arising.

(6) Letters of credit shall have a term of one (1) year which shall be automatically renewable for additional one (1)-year terms. A letter of credit may be revoked by the licensee or issuer only at its expiration date by giving the Department of Agriculture at least ninety (90) days' written notice, **by certified mail**, prior to renewal date. Notice is not deemed sufficiently given unless the director of agriculture receives the cancellation notice in writing, **by certified mail**, at least ninety (90) days prior to the renewal date of the letter of credit. Upon notice timely received, the licensee shall be required to arrange for substitution of a suitable bond or certificate of deposit (CD) at least sixty (60) days prior to the expiration of the letter of credit. If satisfactory evidence of these arrangements is not timely received, the director shall proceed in accordance with the provisions of section 276.426, RSMo.

(7) If a licensee desires to surrender its license and requests the release of a letter of credit, the licensee must return its grain dealer license *[and all grain dealer license plates]* and make written request by registered or certified mail with return receipt for the release of the letter of credit. Upon receipt of the written request and the submission of the grain dealer license, the director shall hold the letter of credit until the director is satisfied that no claims exist, which may include a minimum ninety (90)-day holding period, before notice of release is transmitted to the issuer.

(10) In the event that a plurality of letters of credit from any number of issuers is presented in satisfaction of a licensee's bonding obligation, the director may satisfy claims under the Missouri Grain Dealer's Law by presentation of sight drafts **or letter of demand** against one (1) or more letters of credit, without regard to proration.

(11) A licensee shall be required to augment letters of credit in any situation where it would be required to increase its coverage under a bond *[(see 2 CSR 60-4.150 for Letter of Credit Amendment)]*; this augmentation shall be commensurate to the increased bond value required. In the event of a decreased bond requirement, a new letter of credit for the lesser amount may be substituted for a prior letter upon the renewal date of the letter of credit, or at such time as approved by the director.

(14) When the director has made written demand for payment of a letter of credit, the letter shall be considered paid if the issuing bank, within three (3) days of the bank's receipt of that demand, pays the sum demanded to the director, the sum demanded or if the issuing bank deposits, at a bank designated by the director, in an escrow account solely in the name of the director within three (3) days of the bank's receipt of that demand. Deposit of the sum demanded in the escrow account shall not constitute refusal or failure of the issuing bank to pay the sum demanded to the director and shall prevent a penalty assessment for refusal or failure to pay the sum demanded to the director. When the sum demanded is deposited in the escrow account, the funds shall remain in the escrow account until the liability of the bank has been determined in accordance with sections 276.401-*[276.581/276.582]*, RSMo. In the event that a penalty assessment is necessary in accordance with sections 276.401-*[276.581/276.582]*, RSMo, this penalty assessment shall begin on the fourth day following the date of the bank's receipt of written demand for payment by the director and shall be assessed at the rate of one-seventh (1/7) of a week for each day of delay.

AUTHORITY: sections 276.406, RSMo [1986] *Supp. 1998* and 276.431, RSMo [Supp. 1987] **1994**. Emergency rule filed April 15, 1986, effective April 25, 1986, expired Aug. 23, 1986. Original rule filed May 2, 1986, effective Aug. 25, 1986. Amended: Filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: *This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

PRIVATE ENTITY COST: *This proposed amendment will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law

PROPOSED AMENDMENT

2 CSR 60-5.100 Preparation of Financial Statements. The department proposes to amend this rule by changing sections (1) and (2), and deleting sections (3) and (7).

PURPOSE: *This rule is being amended to reflect the statute change requiring a certified public accountant to prepare a review or audit level financial statement, and to remove the requirement that the accountant certify that they are qualified to prepare the financial statements.*

[EDITOR'S NOTE: Except where indicated, the forms mentioned in this rule follow 2 CSR 60-4.110.]

(1) The following definitions shall apply to these rules:

(F) *[Public accountant or c]* Certified public accountant—Any person permitted to engage in the practice of public accounting under Chapter 326, RSMo;

(G) Qualified accountant—A *[person]* certified public accountant competent in the application of GAAP provided that this person is not the applicant. Also, that if the applicant is an individual, this person is not an employee of the applicant, or if the applicant is a corporation or partnership, this person is not an officer, shareholder, partner or employee of the applicant; and

(2) All applicants for a Missouri grain dealer license shall submit a balance sheet and a statement of income and expenses *[(see 2 CSR 60-4.080 for Application)]*. The financial statements shall be no more than six (6) months old, unless waived by the director. If waived, the director may require interim financial statements as s/he deems necessary. The financial statements shall be prepared by a *[qualified]* certified public accountant in accordance with these rules. If the applicant's *[qualified]* certified public accountant has prepared a statement of retained earnings, a statement of changes in financial position, and notes and disclosures to the financial statements, then these items shall also be submitted.

[(3) If an applicant submits financial statements as submitted to a bank, these financial statements shall be prepared by a qualified accountant in accordance with these rules. If the financial statements are prepared by a bank officer or other employee of the bank, the person shall be

a qualified accountant and shall prepare the financial statements in accordance with these rules. Financial statements compiled or prepared by a qualified accountant who is not also a certified public accountant or public accountant shall not contain an opinion by this person regarding the financial statements.]

/(4)/(3) The applicant shall submit copies of the financial statements submitted to the applicant's bonding company, or submitted to the Commodity Credit Corporation in support of a Uniform Grain Storage Agreement, or submitted to the United States Department of Agriculture in support of a federal warehouse license if these financial statements are prepared as of a different date, or for a different period of time, or to show different amounts than those submitted with the application for a Missouri grain dealer license.

/(5)/(4) The financial statements required by these rules shall be prepared in accordance with GAAP, except as otherwise allowed or required by these rules.

/(6)/(5) All financial statements required by these rules shall be prepared on the accrual basis of accounting unless waived by the director. If waived, the director may require the applicant to provide an estimate, prepared by the applicant's qualified accountant, of the effect of converting the financial statements to the accrual basis of accounting.

/(7) The qualified accountant shall certify on a form prescribed by the director that s/he is a qualified accountant.]

/(8)/(6) If the applicant is an individual, the applicant shall submit a balance sheet and a statement of income and expenses for the proprietorship business in accordance with GAAP. If the applicant is an individual, the applicant shall also submit a personal balance sheet. The applicant, in lieu of submitting a business and a personal balance sheet, may submit a combined balance sheet. Personal nonbusiness assets should be shown at the lower of historical cost or estimated fair market value. If the applicant is an individual and desires to show estimated current values that are higher than the historical cost basis for the proprietorship business balance sheet, the personal balance sheet or the combined balance sheet, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

/(9)/(7) If the applicant is a partnership, the applicant shall submit a balance sheet and a statement of income and expenses for the partnership business in accordance with GAAP. Only the partnership assets and liabilities will be considered in computing net worth. The personal financial statements for the individual partners will not be considered in computing net worth.

/(10)/(8) If the applicant is a partnership and desires to show estimated current values that are higher than the historical cost basis, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

/(11)/(9) If the applicant is a partnership, a copy of a written partnership agreement shall be submitted.

/(12)/(10) If the applicant is a corporation, the applicant shall submit a balance sheet and a statement of income and expenses for the corporation in accordance with GAAP. If the applicant is a corporation and desires to show estimated current values that are higher than the historical cost basis, the estimated current values should be accompanied by a qualified appraisal. If a qualified appraisal is

accepted, appropriate adjustments to the balance sheet will be made by the Missouri Department of Agriculture.

/(13)/(11) If the applicant is a corporation and is a part of a majority- or wholly-owned corporate parent/subsidiary relationship, the applicant shall submit the financial statements required by these rules for the applicant and the consolidated financial statements. For licensing purposes, the director may use the applicant's net worth or the consolidated net worth. If the applicant is a wholly- or majority-owned subsidiary, the director may require the applicant to submit a corporate letter of guaranty from the parent company on a form prescribed by the director.

/(14)/(12) If the applicant is a corporation and is a part of a group of related corporations that do business with each other where the same individual or partnership owns a controlling interest in all of the corporations, the applicant shall submit the required financial statements for the applicant and the combined financial statements for the group of related corporations.

/(15)/(13) In determining allowable net worth for licensing purposes, the director shall disallow the following assets if s/he is of the opinion that these assets are withdrawals of equity or that these assets are uncollectible: 1) notes receivable due from stockholders, 2) accounts receivable, 3) advances to affiliates, 4) investments [are] or equities in cooperatives, and 5) goodwill. The director may also disallow other assets that in his/her opinion are or may be withdrawals of equity, or that are or may be uncollectible.

AUTHORITY: sections 276.406[, RSMo 1986] and 276.421, RSMo [Supp. 1987] Supp. 1998. This rule was previously filed as 2 CSR 60-5.090. Original rule filed March 16, 1988, effective June 27, 1988. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 60—Grain Inspection and Warehousing
Chapter 5—Missouri Grain Dealer's Law**

PROPOSED RULE

2 CSR 60-5.120 Fees

PURPOSE: This rule states what fees shall be charged when not specified by statute. This rule sets fees allowed in 276.423, RSMo.

(1) The fees allowed by section 276.423, RSMo, if not specified, shall be the same rates as specified in 276.506, RSMo.

AUTHORITY: section 276.406, RSMo Supp. 1998. Original rule filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Grain Inspection and Warehousing, Charles Ausfahl, Director, P.O. Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 80—State Milk Board
Chapter 2—Grade A Pasteurized Milk Regulations

PROPOSED AMENDMENT

2 CSR 80-2.180 Adoption of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures*—[1989] *Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)* [by Reference]. The board is revising the reference citation in this rule.

PURPOSE: This amendment provides for the adoption of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)*.

PURPOSE: This rule provides for the adoption [by reference] of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—[1989] Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)* which is [a] the recommended ordinance for adoption by state and local governments for the sanitary control of Grade A milk and milk products.

(1) The *Grade A Pasteurized Milk Ordinance with Administrative Procedures—[1989] Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)* establishes minimum standards which must be complied with for satisfactorily producing and for processing Grade A raw milk for pasteurization and Grade A pasteurized milk and milk products in Missouri. The document further contains administrative procedures which provide information as to satisfactory compliance with the required items of sanitation.

AUTHORITY: section 196.939, RSMo [Supp. 1993] 1994. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Emergency amendment filed Oct. 25, 1999, effective Nov. 4, 1999, expires May 1, 2000. Amended: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Milk Board, Terry S. Long, Executive Secretary, 915-C Leslie Boulevard, Jefferson City, MO 65101. To be considered, comments must be received on or before January 2, 2000. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 1—Wildlife Code: Organization

PROPOSED AMENDMENT

3 CSR 10-1.010 Organization and Methods of Operation. The department is amending sections (2)–(4).

PURPOSE: State departments are required by sections 536.023(3) and 252.002, RSMo to provide descriptions of their organizations. This amendment reflects an organizational change by creation of a new subsection and minor editorial changes—all authorized by the Conservation Commission in the internal organization of the Department of Conservation.

(2) The commission appoints a director who serves as the administrative officer of the Department of Conservation. The director appoints other employees and is assisted by a deputy director with programs and activities carried out by the divisions of fisheries, wildlife, forestry, protection, design and development, outreach and education, administrative services, and by the sections of **private land services**, natural history and human resources. An assistant to director provides leadership for special projects and initiatives as assigned by the director; notably legislative liaison, partnerships with other entities, etc.

(3) The department carries out its programs through the following major administrative units—

(B) Wildlife administers hunting seasons; *[provides wildlife damage control assistance;]* acquires, develops and manages public hunting and other conservation areas; assists private landowners with wildlife habitat efforts; cooperates with federal and state agencies and farm organizations in wildlife management; and conducts research to provide current information on the status of wildlife populations, develops improved management methods and promotes preservation and enhancement of wildlife habitat.

(G) Administrative Services administers the department's support services of information *[management and]* technology, policy coordination, fiscal services and general services. Information *[management and]* technology provides direction and management of the department's information technology assets; defines technology solutions to meet business needs; supports employees' use of those assets, including computer hardware and software systems, telephone systems, two-way radio and other telecommunications systems; and coordination of those systems with other state agencies. Policy coordination provides liaison with federal, state and private concerns on activities involving fish, wildlife and forestry resources; facilitates and coordinates department strategic and other long-range planning; conducts constituency surveys; coordinates geographical information system functions; negotiates for purchase of real property; and manages in-lieu-of tax payments. Fiscal services collects and processes funds received; processes accounts payable; distributes hunting, fishing and special permits; audits permit distributors; maintains inventory records, including the department's real property holdings; and coordinates federal aid programs and funds. General services is responsible for procurement, repair and disposition of fleet, marine and other mechanical equipment; management of the aircraft fleet; maintenance of a distribution center and warehouse for department publications, products and media loan service; operation of offset printing, mailing and sign production services; and provides building and grounds maintenance.

(H) **Private Land Services** provides technical assistance and resource training to private landowners; participates in media and other outreach efforts for resource management; coordinates with other governmental agencies and private organizations to integrate fish, forest, wildlife and natural community considerations with agriculture and other private land initiatives; provides cost-share to assist landowners with priority resource needs; and provides wildlife damage control assistance.

[(H)](I) Natural History administers the department's natural areas program; coordinates endangered species activities; and provides specialized service in natural history interpretation and coordination of management for nonconsumptive uses of wildlife resources and lands.

/(I)(J) Human Resources recruits employees; maintains personnel records, benefits and compensation; administers the group insurance program, workers' compensation and safety programs; conducts the affirmative action program and new employee orientation, as well as in-service training in human relations, personal communications and supervisory skills.

/(J)(K) General Counsel provides legal advice to the commission and administrative staff; aids in formulating policy; advises in the formulation of regulations; and performs title search related to the acquisition of real property.

/(K)(L) Internal Auditor reviews operations and programs to assure that resources are used efficiently, and provides the commission and administration with information useful in directing and controlling department operations.

(4) */(The)* Conservation Commission */(meets monthly and)* meetings are open to the public. Some of the meetings are held in Jefferson City, with the remainder in various locations throughout the state, often at the invitation of interested local citizens. Any person may be scheduled on a meeting agenda to make a presentation to the commission by submitting a written request to the director at least ten (10) working days prior to a meeting date. Comments or suggestions by letter are always welcomed. Information relating to conservation may be obtained by writing to the director or appropriate staff members, or by calling any conservation office.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 28, 1974, effective July 8, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.030 Minimum Internal Control Standards. The commission is updating Appendix A, which is incorporated by reference.

PURPOSE: A comprehensive overview was conducted of the MICS to remove inconsistencies therein and to update the MICS to ensure that they conform with regulations and statutes since enacted. When the Commission adopted the current version, MICS from another state were used, and some of the MICS as originally adopted were inconsistent with riverboat gaming in Missouri.

AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history,

please consult the **Code of State Regulations**. Amended: Filed June 4, 1999. Amended: Filed Oct. 29, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment may cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, P. O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on January 5, 2000 at the Jefferson City office located at 3417 Knipp Drive, Jefferson City, Missouri.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: Chapter 9

Type of Rulemaking: Proposed Amendment to Rule

Rule Number and Name: 9.030 Minimum Internal Control Standards

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Fifteen riverboat gaming operations	Riverboat gaming operations	Estimates received ranged from \$0.00 to \$220,000 (see below)

III. WORKSHEET

As comprehensive changes were made to the Minimum Internal Control Standards, the Commission's legal staff sent invitations to the general managers to give the Commission estimates of the costs that would be incurred due to the proposed changes. Of the fifteen riverboat operations, six responded.

The Aztar commented that they could implement the changes with minimal or no cost. The Argosy indicated that they were unsure of any additional costs associated with implementing the proposed changes, however, they indicated that the proposed 2:1 ratio of hardcount personnel to security personnel, M.I.C.S. section G-11(a) and (b), might have a financial impact. Due to additional comments received on this section from Harrah's North Kansas City and Harrah's Maryland Heights, changes were made to make the cost less onerous. The 2:1 ratio was retained in (a). However, the language concerning "additional" security officers was changed to "sufficient" security officers to allow greater flexibility in (b).

Harrah's North Kansas City (two riverboats) indicated that the proposed addition to M.I.C.S. section A-10 that would require employees to receive copies of the I.C.S. that deal with their specific job function would cost an estimated \$50,000 initially, and \$20,000 for every year thereafter. The Commission changed the proposed wording of that section so that individual employees will not have to be given individual copies of the I.C.S.'s to keep. They will still have

to read a copy maintained by the riverboat and sign an affidavit that they have read them, however. They further stated that the section quoted above by Argosy, M.I.C.S. section G-11(a) and (b), would require the addition of six additional security personnel that would cost an additional \$150,000 a year. As stated above, the Commission has changed the language to make the cost to the private entity less onerous. Finally, they stated that the proposed change to section L-3(d)(1)(d) that requires the comparing of data from pit tracking records to cage MTL's to determine if the required communication was taking place to ensure that suspicious CTRC's were being properly prepared, would cost the company \$20,000 because of an estimated additional four hours of audit time. The Commission has not made any changes to this section as Harrah's North Kansas City was the only operation to indicate such a cost would be incurred. In addition, the Commission feels that this section is necessary to ensure compliance with the regulations.

Harrah's Maryland Heights (two boats) indicated that M.I.C.S. section A-10 (see Harrah's North Kansas City above) would cause them to incur \$10,000 in additional printing costs. The Commission's response stated above should lessen this considerably. They also indicated that the proposed change to E-8 requiring hopper fill bags prepared in the main cage to electronically weighed and verified would cause them to incur \$5,400 in expenses for acquiring new scales. The Commission has not made any changes to this section as Harrah's Maryland Heights was the only operation to indicate such a cost would be necessary. In addition, the Commission feels such a cost is reasonable in light of the desire to cut down on or eliminate the possibility of theft. The final section noted by Harrah's Maryland Heights concerns section G-11(b), previously discussed above. They noted that in the proposed form, they would incur \$27,378 in additional labor costs. As stated above, the Commission has changed the language in an attempt to make the cost to the private entity less onerous.

IV. ASSUMPTIONS

The Commission assumes that the changes made as to the concerns above will lessen the cost to the affected entities.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo

PROPOSED AMENDMENT

11 CSR 45-30.180 Inventory and Ownership of Bingo Equipment. The commission is adding a new section (2).

PURPOSE: This amendment clarifies that each bingo licensee must maintain a separate inventory of the bingo products used during their bingo occasion, pursuant to section 313.025, RSMo. This requirement will assist the commission in assuring an audit trail is established to ensure the applicable taxes are reported and paid pursuant to sections 313.055 and 313.057, RSMo.

(2) Each licensee shall keep a separate inventory of bingo paper and pull tabs. Bingo paper and pull tabs purchased by one licensee may not be used during another licensee's game without prior approval from the commission.

AUTHORITY: section 313.065, RSMo [Supp. 1993] Supp. 1998. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 29, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate. Private entities who feel there is cost which exceeds \$500 associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. on January 5, 2000, at the Jefferson City office located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo

PROPOSED AMENDMENT

11 CSR 45-30.190 Rules of Play. The commission is amending section (2) and adding a new section (3).

PURPOSE: This amendment clarifies that game operators must start each new bingo game on a new card or sheet for all bingo games conducted, pursuant to section 313.005(1), RSMo.

(2) The amount of the prize and the permissible winning combination/[s]] must be clearly announced prior to the start of each game. Verification of the winner of each game shall be openly conducted in the presence of the majority of the players. In the event of multiple winners in any single game, substitute prizes, not to exceed the aggregate announced dollar prize of the game, shall be awarded. All seventy-five (75) objects or balls must be present within the receptacle before each game is started. The physical

drawing of the objects shall be visible to the majority of players and numbers must be announced so that they are clearly heard by all players of that game. All disputes between the players and the licensed organization regarding prizes must be settled between the player(s) and the organization.

(3) When a player achieves the preannounced winning combination and the winning combination is verified, the next game must be commenced with a new bingo card or sheet.

AUTHORITY: section 313.065, RSMo [Supp. 1997] Supp. 1998. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed May 13, 1998, effective Dec. 30, 1998. Amended: Filed Oct. 29, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate. Private entities who feel there is cost which exceeds \$500 associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. on January 5, 2000, at the Jefferson City office located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo

PROPOSED AMENDMENT

11 CSR 45-30.210 Reports. The commission is adding a new section (5).

PURPOSE: This amendment requires licensees to file a progressive game activity report with their quarterly report for each progressive game conducted.

(5) Each licensee must submit with their quarterly report a progressive game activity report for each progressive game conducted. The report must indicate the date of each occasion, the progressive prize offered, the consolation prize offered, number of balls needed to win the progressive prize and the prize amount awarded.

AUTHORITY: section 313.065, RSMo [1994] Supp. 1998. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 29, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate. Private entities who feel there is cost which exceeds \$500 associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on January 5, 2000, at the Jefferson City office located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo

PROPOSED AMENDMENT

11 CSR 45-30.220 Bank Account. The commission is adding new sections (2) and (3).

PURPOSE: This amendment requires licensees to separately account for the cash used as game start-up money and prohibits the commingling of bingo receipts and disbursements with the financial records of other activities of the organization pursuant to section 313.040, RSMo.

(2) If an organization uses starting cash, a check must be written to a financial institution, retail establishment or to a charitable organization, to obtain the starting cash, and the starting cash must be redeposited into the bingo checking account no later than the next business day.

(3) Game operators may not deposit receipts from any other fund-raising activities of the organization into the bingo checking account; except as needed, game operators may transfer funds from another account into the bingo checking account to cover bingo game related expenses. Any monies deposited into the bingo checking are deemed to be bingo proceeds and can only be used to pay bingo game expenses or for religious, charitable or philanthropic purposes.

AUTHORITY: section 313.065, RSMo [Supp. 1996] Supp. 1998. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed Oct. 29, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate. Private entities who feel there is cost which exceeds \$500 associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice

in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on January 5, 2000, at the Jefferson City office located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo

PROPOSED AMENDMENT

11 CSR 45-30.280 Net Receipts from Bingo. The commission is adding new sections (3) and (4).

PURPOSE: This proposed amendment would require game operators to give the commission access to any account into which bingo proceeds are deposited or transferred, to ensure bingo proceeds are used for religious, charitable or philanthropic purposes pursuant to Article III, Sections (39)(a)(1) of the constitution and section 313.040.1, RSMo.

(3) The commission, upon request may examine any account into which bingo proceeds are deposited or transferred.

(4) Any licensee who denies the commission access to any account into which bingo proceeds are deposited or transferred, may have its license suspended until such access is granted.

AUTHORITY: section 313.065, RSMo [Supp. 1993] Supp. 1998. Emergency rule filed June 21, 1994, effective July 1, 1994, expired Oct. 28, 1994. Emergency rule filed Oct. 19, 1994, effective Oct. 29, 1994, expired Feb. 25, 1995. Original rule filed July 11, 1994, effective Jan. 29, 1995. Amended: Filed Oct. 29, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate. Private Entities who feel there is cost which exceeds \$500 associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on January 5, 2000, at the Jefferson City office located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 30—Bingo

PROPOSED AMENDMENT

11 CSR 45-30.370 Progressive Games. The commission is amending sections (1)–(5) and (7)–(9).

PURPOSE: This amendment clarifies the conduct and number of progressives bingo games which can be conducted by licensed bingo operators pursuant section 313.013, RSMo.

(1) A progressive game is one in which the established prize amount **and the number of bingo balls called** must */be/* increase/*d/* from one occasion to the next scheduled occasion, if no player completes the required **winning** pattern within the specified number of bingo balls drawn **as posted by the game operator.**

(2) *Only one (1)* Two (2) progressive games may be conducted per occasion.

(3) A prize for a progressive game may start at an amount not to exceed one thousand dollars (\$1,000) and */may/* **must** be increased by no more than two hundred fifty dollars (\$250) for each occasion during which the progressive game is played.

(4) If the progressive game prize is not awarded at a bingo occasion, the progressive game shall be continued at */a future/* **each succeeding** occasion until such time a winner is determined. The winning prize does not have to be the full amount, but */a/* **one** stated consolation prize may be **offered and** awarded. The consolation prize is exempt from section 313.040(4), RSMo; however, the consolation prize must be less than the value of the progressive game prize amount and only (1) consolation prize may be offered and/or awarded per occasion.

(5) All progressive bingo games must be fully described and posted in the house rules prior to the start of the occasion and must comply with all other statutory and rule and regulation requirements. **Said description shall include dates and times when the progressive games shall be played to include type (B) special events, if any.** Each game operator must submit a progressive game activity report for each progressive game with their quarterly report as defined in 11 CSR 45-30.210. The report must indicate the date, progressive prize offered, number of balls needed to win progressive prize and prize amount awarded.

(7) Each operator's/licensee's progressive game **set of rule***/(/s/)* must remain in effect until the game ends and the winner*/(s/)* is determined.

(8) **Type (A) licensees may conduct progressive games during a type (B) occasion as defined in 11 CSR 45-30.065, if approval is granted by the commission prior to the licensed event. The occasion must be open to the public.** However, */P/*progressive games may not be conducted in conjunction with a **type (B) Special Event only** Bingo License.

(9) An operator may not cease bingo operations unless the progressive bingo game **in play** is completed and prize is awarded, unless prior approval has been received from the commission.

AUTHORITY: section 313.065, RSMo Supp. 1998. Emergency rule filed Aug. 5, 1996, effective Aug. 28, 1996, expired Feb. 23, 1997. Original rule filed Aug. 5, 1996, effective March 30, 1997. Amended: Filed May 6, 1999. Amended: Filed Oct. 29, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate. Private entities who feel there is cost which exceeds \$500 associated with this proposed amendment are requested to submit the cost (estimated or actual, if available) with the comments.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri Gaming Commission, Bingo Division, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10:00 a.m. on January 5, 2000, at the Jefferson City office located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSON

11 CSR 50-2.350 Applicability of Motor Vehicle Emission Inspection. This rule identified the geographical area of the emission inspection program and the vehicles which were required to be emission tested.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Emergency amendment filed Dec. 22, 1983, effective Jan. 6, 1984, expired May 5, 1984. Amended: Filed Jan. 13, 1984, effective April 12, 1984. Emergency amendment filed Jan. 23, 1984, effective Feb. 3, 1984, expired May 25, 1984. Amended: Filed Feb. 10, 1984, effective May 11, 1984. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSON

11 CSR 50-2.360 Emission Fee. This rule identified the fee to be charged for performing an emission inspection.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.370 Inspection Station Licensing. This rule outlined minimum inspection station requirements for licensing emission inspection stations.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed April 2, 1987, effective June 25, 1987. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.380 Inspector/Mechanic Licensing. This rule outlined minimum requirements for licensing of inspector/mechanics to perform emission inspection tests.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed April 2, 1992, effective Sept. 6, 1992. Amended: Filed June 2, 1993, effective Nov. 8, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.390 Safety/Emission Stickers. This rule established procedures to be followed by inspector/mechanics when issuing safety/emission stickers and in purchasing safety/emission stickers from the Missouri State Highway Patrol.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed Aug. 14, 1987, effective Nov. 12, 1987. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 3, 1994, effective April 30, 1995. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.401 General Specifications. This rule described the general specifications of the Missouri Analyzer System. The Analyzer System has been used to perform state inspections on motor vehicles in specified areas of the state.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. **Rescinded:** Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.402 MAS Software Functions. This rule described the software functions of the Missouri Analyzer System.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. **Rescinded:** Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.403 Missouri Analyzer System (MAS) Display and Program Requirements. This rule described the computer screen displays and the software programming requirements of the Missouri Analyzer System.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. **Rescinded:** Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.404 Test Record Specifications. This rule described the vehicle test record and calibration data file formats for the Missouri Analyzer System. The test record and calibration data stored the vehicle inspection and gas calibration data generated in the operation of the analyzer.

PURPOSE: *The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.*

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Feb. 16, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. **Rescinded:** Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.405 Vehicle Inspection Certificate, Vehicle Inspection Report and Printer Function Specifications. This rule described the vehicle inspection certificate, vehicle inspection report and printer functions for the Missouri Analyzer System. The system used one printer for printing inspection certificates and another for the vehicle inspection report and general printing.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Amended: Filed April 2, 1992, effective Sept. 26, 1992. Amended: Filed June 2, 1993, effective Nov. 8, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.406 Technical Specifications for the MAS. This rule described the technical specifications for the Missouri Analyzer System. The technical specifications included the maintenance functions to be performed by the analyzers, the operating conditions and the hardware.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.407 Documentation, Logistics and Warranty Requirements. This rule described the documentation, logistics and warranty requirements for the Missouri analyzer specification.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.410 Vehicles Failing Reinspection. This rule outlined procedures to be followed by inspection station operators and inspector/mechanics when a vehicle failed reinspection.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Amended: Filed April 2, 1992, effective Sept. 6, 1992. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED RESCISSION

11 CSR 50-2.420 Procedures for Conducting Only Emission Tests. This rule provided a procedure for conducting only an emission inspection on motor vehicles which had been safety inspected within the past sixty days.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

AUTHORITY: section 307.366, RSMo 1994. Emergency rule filed Dec. 27, 1983, effective Jan. 6, 1984, expired May 5, 1984. Original rule filed Jan. 13, 1984, effective April 12, 1984. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 3, 1994, effective April 30, 1995. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. Rescinded: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, P.O. Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—[Division of Water Safety] Missouri State Water Patrol
Chapter 5—Aids to Navigation and Regulatory Markers

PROPOSED AMENDMENT

11 CSR 80-5.010 Approval of Aids to Navigation and Regulatory Markers. The division is amending the Purpose and section (1) as section (1) and (9) and adding new sections (2)–(8), and (10).

PURPOSE: This amendment is to include guidelines for buoy applications and hearings, as well as to bring the rule (as it exists) current regarding technical information about the Missouri State Water Patrol.

PURPOSE: [Under section 306.124, RSMo, the Department of Public Safety shall establish a uniform marking system for aids to navigation and regulatory markers for the public safety and welfare.] This rule regulates the placement of aids to navigation and regulatory markers on the water areas of the state of Missouri to ensure that such aids and markers are uniform and promote the public safety and welfare.

(1) All persons requesting permission to place or have placed an aid to navigation or regulatory marker as defined in section 306.124, RSMo on the waters of the state of Missouri must complete an application form supplied by the [Division of Water Safety] Missouri State Water Patrol, P.O. Box [603] 1368, Jefferson City, MO 65102-[603] 1368. All applications must be submitted to the [Division of Water Safety] Missouri State Water Patrol General Headquarters in Jefferson City at least thirty (30) days before the date permission is requested. The application will be reviewed by the [Division of Water Safety] Missouri State Water Patrol at a public [buoy] hearing after notice of the hearing has been published in the county paper at least ten (10) days before the hearing. Hearings will be conducted only between April 1 and the third Monday in September. The commissioner of the [Division of Water Safety] Missouri State Water Patrol, or his/her designated representative, shall approve or disapprove all applications within a reasonable length of time after the conclusion of the hearing.

(2) Applications for buoys one hundred feet (100') from a dock—

(A) Applications must include a copy of the applicant's dock permit (306.903, RSMo);

(B) The application must include a diagram of the cove, the distance between the most lakeward portion of the applicant's dock and the dock(s) on the opposite side of the cove;

(C) The application must show the proposed placement of the buoy(s) requested in relationship to the applicant's dock;

(D) Docks that are within one hundred feet (100') of the applicant's dock must be indicated on the application; and

(E) Because of increased potential for boating accidents due to constricting of traffic lanes, "no wake-idle speed" buoys will not be approved for docks that are less than three hundred feet (300') from a dock on the opposite side of the cove.

(3) Applications to buoy the full width of a cove—

(A) If the width of the cove is such that the distance between docks on opposite sides of the cove is in excess of four hundred feet (400'), the cove shall not be buoyed unless in the opinion of officials of the Missouri State Water Patrol the volume of boating traffic is significantly disproportionate to similar coves on the same body of water, or traffic accident data support the need for "idle speed-no wake" buoys;

(B) Applications to buoy coves that have a distance of four hundred feet (400') or less between docks on opposite sides of

the cove must include a plot map of the cove with all affected owners names on their plot (306.903, RSMo);

(C) The application must include a petition signed by a minimum of seventy-five percent (75%) of the property owners. The signature petition shall include each property owner's dock permit number;

(D) The applicant is responsible for submitting proof of property ownership and documentation that seventy-five percent (75%) or more of property owners are in agreement;

(E) There will be a one (1) property, one (1) vote rule applied, to be determined by property tax receipts;

(F) Second tier homeowners and condominium owners may sign the petition if they own or lease a dock. Second tier owners may prove ownership by personal property tax receipts;

(G) Placement of buoys in a diagonal pattern, rather than a straight line, may be permitted if the shoreline and situation necessitate such a pattern;

(H) If there are permitted buoys within the area that is to be controlled upon approval, the permit number of the existing buoys must be submitted with the application. If the new application is approved, all existing permits within the new controlled area will be cancelled and the previously permitted buoys removed;

(I) Owners of property within a permitted area may, by petition, request a revocation of permitted buoys. Revocation will only be considered, however, if twenty-six percent (26%) or more of property owners sign the petition requesting revocation. The one (1) property, one (1) vote rule applies;

(J) Approved buoys for a "no wake-idle speed" cove shall be placed one hundred feet (100') below or prior to the first dock affected, unless it would extend the buoys into the main channel;

(K) If a cove is such that it has a bottleneck effect within the cove and then opens up in excess of four hundred feet (400') between docks on opposite sides, the property owners may petition for "no wake-idle speed" buoys to control speed within the bottleneck and one hundred feet (100') on each side. The permittee shall be required to place a four feet by six feet (4' x 6') sign on a dock or approved structure at each end of the zone reading, "no wake-idle speed" and conforming to prescribed markings. The sign must face boaters when entering the controlled zone from either side; and

(L) Lighted signs and flashing lights on buoys will be discouraged unless one hundred percent (100%) of the property owners in the affected cove agree to the application for lights. All property owners within two hundred feet (200') of the marked "no wake-idle speed" zone must agree to all proposed lighting schemes. If lighted signs or buoys are approved, affected property owners may, by petition, request to have the lights removed. The Missouri State Water Patrol Buoy Committee may not consider removal of permitted lights unless the petition to remove the lights bears the validated signatures of twenty-six percent (26%) or more of the current property owners in the permitted area. Shoreline property owners within two hundred feet (200') of the permitted area may be included in the revocation petition.

(4) Modification(s) to an existing buoy permit must be approved by the Missouri State Water Patrol. A request to relocate existing permitted buoys will require a new application and hearing. New applications must conform to the above rules. Modifications of an existing permit for name or ownership change only, does not require a new hearing.

(5) Buoy applications for the same general area will be considered not more than two (2) times in a calendar year.

(6) For all buoy application concerns, a personal watercraft is considered a boat for all legal purposes.

(7) All rejected buoy applications shall be granted one (1) appeal for the same location. Appeal hearings will normally be held at Missouri State Water Patrol General Headquarters in Jefferson City. Either the commissioner or the director of field services will hear the appeal.

(8) Temporary buoy permits for regattas, construction sites, etc., will each be considered on their own merits.

(9) It will be the responsibility of the applicant to purchase, install and maintain all approved buoys. The buoys must be installed within sixty (60) days of the approval date. The *Division of Water Safety* Missouri State Water Patrol will mark approved buoy(s) for identification purposes by affixing to each buoy a metal stick-on tag showing the buoy permit number. All buoys must have reflective tape. If the buoys are removed during the winter months they must be replaced prior to May 1 of each year. The commissioner of the *Division of Water Safety* Missouri State Water Patrol may revoke the permit of any applicant upon failure to abide by these rules, if the buoy installation and placement is not in good maintenance and repair, not at specified locations as indicated on approval sent to the applicant by the commissioner or for the well-being of the public health and welfare as determined necessary by the commissioner upon a fifteen (15)-day written notice to the applicant. Buoys that have shifted in position because of water level, boat waves or some force of nature and the buoy still performs the purpose set forth in the application shall remain a legal navigation marker unless determined otherwise by the commissioner.

(10) The Missouri State Water Patrol retains, pursuant to section 306.124, RSMo [1986] 1994. Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed Aug. 25, 1977, effective Jan. 13, 1978. Amended: Filed Sept. 13, 1983, effective Jan. 13, 1984. Amended: Filed May 31, 1984, effective Sept. 14, 1984. Amended: Filed Oct. 29, 1999.

AUTHORITY: section 306.124, RSMo [1986] 1994. Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed Aug. 25, 1977, effective Jan. 13, 1978. Amended: Filed Sept. 13, 1983, effective Jan. 13, 1984. Amended: Filed May 31, 1984, effective Sept. 14, 1984. Amended: Filed Oct. 29, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Colonel Larry Whitten, Commissioner, Missouri State Water Patrol, P.O. Box 1368, Jefferson City, MO 65102-1368. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RULE

PURPOSE: This rule establishes guidelines for the use of handicapped parking cones.

(1) Any person who is issued disabled person license plates or a removable windshield placard and who uses a wheelchair or transports a person who uses a wheelchair, may utilize a parking cone bearing the international symbol of accessibility and the words "wheelchair parking space."

(2) Parking cones shall be predominantly orange, fluorescent red-orange or fluorescent yellow-orange, not less than eighteen (18) inches (18") in height and shall be made of a material that can be struck without damaging vehicles on impact.

(3) Any cone that conforms to the requirements of this provision will be sufficient for use by such person without further authorization from the director.

AUTHORITY: section 301.139, RSMo Supp. 1999. Original rule filed Oct. 27, 1999.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure

PROPOSED RULE

12 CSR 10-26.010 Bona Fide Established Place of Business

PURPOSE: The department must determine that applicants/licensees such as boat dealers, boat manufacturers, motor vehicle dealers, wholesale motor vehicle dealers, motor vehicle manufacturers, public motor vehicle auctions and wholesale motor vehicle auctions maintain a bona fide established place of business. This rule establishes criteria that may be used in determining if this requirement has been met.

(1) In order to constitute a bona fide established place of business, hereinafter referred to as a "business location," for boat dealers, boat manufacturers, motor vehicle dealers, motor vehicle manufacturers, wholesale motor vehicle dealers, public motor vehicle auctions and wholesale motor vehicle auctions—

(A) The business location must be a permanently enclosed building or structure either owned or leased. The business location must be actually occupied and primarily used in whole, or in clearly designated and segregated part, as a place of business by the licensee for the manufacturing, selling, auctioning, bartering, trading or exchanging of motor vehicles, trailers or boats.

1. Example: An applicant for a motor vehicle dealer license maintains a building or structure primarily used in the operation of a business other than the sale or exchange of motor vehicles. As a sideline, the applicant desires to engage in the business of selling motor vehicles. The building or structure used primarily for some

other business, other than the selling or exchanging of motor vehicles, does not qualify as a bona fide established place of business for the selling of motor vehicles unless an area is clearly designated and segregated and records are separately maintained for the purpose of selling, bartering, trading or exchanging of motor vehicles or trailers;

(B) The business location must be open regular business hours during which the public and the department are able to contact the licensee. Regular business hours for purposes of this rule shall be a minimum of twenty (20) hours per week, at least four (4) of the six (6) days of Monday through Saturday each week. Only hours falling between 6 a.m. and 10 p.m. will be considered by the department in the twenty (20) hour minimum. The business hours shall be posted at the business location. The business location must contain a working telephone (other than a mobile or cellular phone) in the licensee's name with an advertised public number that must be maintained during the entire period of licensure;

(C) The licensee must maintain at the business location the books, records, files and other items required and necessary to conduct the business. Such items shall be accessible for inspection during regular business hours. If a licensee is also licensed as an auction, the auction records must be kept separately from the dealer records;

(D) Unless otherwise specified, the business location of a licensee other than a wholesale dealer or boat dealer must also contain an area or lot which shall not be a public street upon which one (1) or more vehicles may be displayed.

1. The display area or lot must be of sufficient size to physically accommodate vehicles of the type which the licensee is licensed to sell.

2. The display area or lot must be used exclusively for display by the licensee and must be situated to prevent confusion or uncertainty concerning its relationship to the licensee.

3. The display area or lot must provide unencumbered visibility from the nearest public street of the vehicles being sold by the licensee.

4. Auctions that are also licensed as dealers must maintain a display area or lot separate from the dealership lot for auction vehicles.

5. A licensee in more than one (1) class of business may use the same building and display area for all classes so long as each use is separately and clearly marked. Records must be maintained separately and separate signs as specified in subsection (1)(E), must be displayed;

(E) The licensee must display an exterior sign, if applicable.

1. A licensee except a wholesale motor vehicle dealer must display an exterior sign that shall be of a permanent nature, erected on the exterior of the structure or on the display area, constructed or painted and maintained to withstand reasonable weather conditions and the sign must be readable. The sign must—

A. Identify the name of the licensee and class of the business conducted;

B. Have letters at least six inches (6") in height;

C. Be clearly visible to the public; and

D. Comply with local sign ordinances, if any.

2. A temporary sign may suffice during the period of time required to obtain a permanent sign provided the order for construction, purchase or painting has in fact been placed. A copy of the sign order must be submitted with the application along with a picture of the temporary sign.

3. A public motor vehicle auction licensee shall display, in a conspicuous manner, two (2) additional signs, each of which shall bear the following warning in letters at least six inches (6") high: "Attention Buyers: Vehicles sold at this auction may not have had a safety inspection." The dimensions of each sign shall be at least two feet by two feet (2' x 2'); and

(F) A new motor vehicle franchise dealer's business location shall include adequate facilities, tools and personnel necessary to properly service and repair motor vehicles and trailers under the franchiser's warranty.

(2) The bona fide established place of business of a licensee must be maintained for the entire licensure period. If the bona fide established place of business is not maintained, the licensee must notify the department within ten (10) days and surrender at that time the licensee's temporary permits, license and license plates/certificates of number. If the licensee intends to relocate prior to the expiration of the license, the department must be informed of such intent at the time the license is surrendered. If the business is then certified at a new location, the department will return the temporary permits, license plates/certificates of number and issue a new license reflecting the new location for no additional fee. The department or its representative reserves the right to determine the existence of a bona fide established place of business at any time.

(3) A licensee who changes its business location during the licensure year must notify the department of that change prior to operating at the new site. The following must be submitted to the department:

(A) A new application certified by authorized law enforcement that the new location meets the requirements of a bona fide established place of business. "Change of Address" must be indicated at the top of the application.

1. If the business changes locations ninety (90) days or less before the expiration of the current license, a renewal application reflecting the new address should be filed instead of a change of address.

2. If the location change is not effective immediately upon filing the renewal application, a letter indicating the effective date of the address change must accompany the renewal application; and

(B) A photograph of the business location that meets the specifications required of new applicants.

(4) If a licensee changes the business name during the licensure year, the licensee must notify the department of the name change prior to operating under the new name. The following must be submitted to the department:

(A) A new application properly completed that indicates "Name Change Only" at the top of the application. The application is not required to be certified by authorized law enforcement;

(B) A photograph of the business location that meets the specifications required of new applicants and that clearly shows the business sign displaying the new business name; and

(C) A corporate surety bond, bond rider, or revision to the irrevocable letter of credit that reflects the licensee's new business name.

(5) When a licensee changes its business name and/or location, it must also file the change with the Office of the Secretary of State.

(6) Each business location where a licensee auctions, manufactures, sells or displays motor vehicles, trailers or boats must be licensed separately with the department. However, when a licensee has more than one (1) location in the same city or with the same city mailing address, the licensee may operate under the same name and license number by filing a proper application for each business location with the department and maintaining a bona fide place of business at each location. No additional fees are required for the additional locations in these two (2) cases.

(7) A licensee may store cars at a storage lot location other than at the licensed business location, provided the department is notified of the storage location and no sales activity occurs on the storage lot.

AUTHORITY: sections 301.553 and 301.560, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,850 in FY 2000. Total annual aggregate cost of \$2,850 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.010 Bona Fide Established Place of Business

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,850
Total	\$2,850

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,850	-0-
Total	-0-	\$2,850	-0-

IV. ASSUMPTIONS

This Proposed Rule clarifies the requirements for a bona fide established place of business as required by law, without imposing any additional requirements. The rule also clarifies requirements when a dealership changes locations/business names or has multiple locations in the same city or with the same city mailing address. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .145 = \$870$

Total: \$2,850

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.020 License Requirements for Auctions, Dealers and Manufacturers

PURPOSE: The department must determine whether applicants who apply for a license as a boat dealer, boat manufacturer, motor vehicle dealer, motor vehicle manufacturer, public motor vehicle auction or wholesale motor vehicle auction pursuant to sections 301.550 to 301.562, RSMo, have met the requirements outlined in the law. This rule clarifies these requirements.

(1) A separate license is required for each of the following categories of licenses:

- (A) Motor vehicle dealers and/or motor vehicle manufacturers;
- (B) Boat dealers and/or boat manufacturers; however, a motor vehicle dealer may purchase and sell up to five (5) vessels during each licensure period without licensing as a boat dealer;
- (C) Wholesale motor vehicle dealers;
- (D) Wholesale motor vehicle auctions; and
- (E) Public motor vehicle auctions.

(2) An applicant must complete in full the designated application for a license.

(A) If the applicant is a partnership or corporation and is doing business under another name (d/b/a), the applicant must list its partnership or corporate name and its d/b/a name. For example, John Smith Brothers Incorporated d/b/a Smith Brother's Used Cars. If the applicant is an individual, the business name must also be listed on the application.

(B) The business location name and address must be recorded on the application. A post office box number is not acceptable as a business location address.

(C) A separate "Mail to" address may only be listed on the application if the local postal authorities confirm, in a letter signed by an authorized representative of the post office, that it cannot or will not deliver mail to the business address due to security reasons such as theft or vandalism. The lack of a proper mail receptacle is not justification for the use of a "Mail to" address.

(D) Applicants obtaining a manufacturer's license must submit a letter that lists the makes of all motor vehicles/trailers/boats they will manufacture. If licensing as a "final stage" manufacturer/converter, the makes of all vehicle bodies, i.e., dump, hoist, coach, etc., they will manufacture and a brief description of the business must accompany the application.

(E) Each applicant, officer or owner for a license must list on the application his or her driver's license number, birthdate, home address, Social Security number and/or Federal Employee Identification Number.

(F) The application must be certified by an authorized law enforcement agency/officer. Applicants who are licensed within two (2) months of the license expiration period shall not be required to have his or her renewal application certified by a law enforcement agency/officer provided the renewal is filed before the present license expires.

(3) The corporate surety bond or an irrevocable letter of credit required in section 301.560.1(4), RSMo, shall be filed with the application and shall be maintained for the entire licensure period. The bond or letter of credit must either be irrevocable for the entire licensure period or by its terms require that the bonding company or entity issuing the bond or letter of credit to notify the department at least thirty (30) days prior to the cancellation or revocation date. Failure of the licensee to submit a valid bond or irrevocable

letter of credit to the department prior to the date of cancellation/revocation shall result in immediate cancellation and revocation of the license, which shall not be stayed by a request for review.

(4) The photograph of the bona fide established place of business may be either a black and white or color photograph and must be at least four inches by six inches (4" x 6") but shall not exceed eight inches by ten inches (8" x 10"). Digitized photographs are not acceptable. If more than one (1) photograph is necessary to show the building, lot and sign, if applicable, a statement, signed by the applicant, must accompany the photograph explaining that all photographs were taken at the same address.

(A) A temporary sign may be used (as set forth in 12 CSR 10-26.010(1)(E)(2)). If this is the case, a copy of the sign order and a picture of the temporary sign must be submitted with the application.

(5) For purposes of the franchise agreement requirement in section 301.559, RSMo, a letter of appointment or similar document signed by an authorized representative of the manufacturer will satisfy this requirement. The document must include the name and address of the franchise, the effective date of the franchise agreement, the expiration date of the franchise agreement, if applicable, and the make(s) of vehicle(s) the franchisee is authorized to sell. The letter must provide for notification to the department at least thirty (30) days prior to cancellation of the franchise. A manufacturer's letter of intent shall not suffice as proof of franchise.

(6) A new applicant must complete and submit the appropriate form(s) requesting a criminal record check directly to the Missouri State Highway Patrol's General Headquarters along with the appropriate fee. The patrol shall provide the director with the results of the applicant's criminal record check to assist the director in determining the applicant's qualifications as provided in sections 301.559 and 301.562, RSMo.

(7) The applicant must submit appropriate fees as prescribed in 12 CSR 10-26.040.

AUTHORITY: sections 301.553, 301.559 and 301.560, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,550 in FY 2000. Total annual aggregate cost of \$2,550 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.020 License Requirements for Auctions, Dealers and Manufacturers

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,550
Total	\$2,550

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,550	-0-
Total	-0-	\$2,550	-0-

IV. ASSUMPTIONS

This Proposed Rule clarifies the licensure requirements for dealers, manufacturers and auctions. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .095 = \$570$

Total: \$2,550

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure

PROPOSED RULE

12 CSR 10-26.030 License Renewal

PURPOSE: This rule sets forth the procedures for renewing dealer licenses.

(1) Renewal applications will be mailed by the department to the registered business address of the licensee at least ninety (90) days before the date of license expiration.

(A) Renewal applications received by the department less than sixty (60) days prior to the license expiration date must include an additional twenty-five dollar (\$25) processing fee. New applicants who are approved during the last ninety (90) days of the licensure period are not subject to the twenty-five dollar (\$25) additional processing fee at the time of renewal.

(B) Applications received after the license expiration date must include a fifty dollar (\$50) late fee.

(2) The department will mail all licenses issued to the registered business address of the licensee. The licenses must be prominently displayed at the place of business.

(3) For renewal of a license of a motor vehicle dealer or a boat dealer, an applicant must submit all previous monthly sales reports that document at least six (6) sales made during the last year licensed, if the applicant was licensed for the full calendar year. For licensure less than one (1) year, the department will prorate the six (6) sales requirement provided in section 301.550, RSMo, by requiring one (1) sale for each full two (2)-month period licensed.

AUTHORITY: sections 301.550, 301.553, 301.559 and 301.560, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,400 in FY 2000. Total annual aggregate cost of \$2,400 is a one-time cost. The projected revenue is \$28,500 each year to the Motor Vehicle Commission Fund beginning in FY 2000. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities \$28,500 each year beginning in FY 2000. See detailed fiscal note for further explanation.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publications of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.030 License Renewal

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate. (Denotes Motor Vehicle Commission Fund Revenue).
Department of Revenue	(\$28,500)
Department of Revenue	\$2,400
Total	(\$26,100)

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	(\$28,500)	(\$28,500)
Motor Vehicle Commission Fund	-0-	\$2,400	-0-
Total	-0-	(\$26,100)	(\$28,500)

IV. ASSUMPTIONS

This Proposed Rule establishes the penalty fees that must accompany delinquent renewal applications for licensure submitted by dealers, manufacturers and auctions. Based on the FY '98 Accounting Report, the penalty fees are expected to generate revenue of approximately \$28,500 annually. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: 6,000 x .33 = \$1,980

Printing/envelopes: 6,000 x .070 = \$420

Total: \$2,400

FISCAL NOTE PRIVATE ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.030 License Renewal

II. SUMMARY OF FISCAL IMPACT

Affected Private Entities	Estimated Cost of Compliance in the Aggregate
Licensed Motor Vehicle & Boat Dealers, Manufacturers and Auto Auctions	\$28,500
Total	\$28,500

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
N/A	-0-	\$28,500	\$28,500
TOTAL			\$28,500

IV. ASSUMPTIONS

This Proposed Rule establishes the penalty fees that must accompany delinquent renewal applications for licensure submitted by dealers, manufacturers and auctions. Approximately 950 dealer applicants will pay either a \$25 or \$50 penalty fee each year, depending on when their renewal application is filed with the department. The total penalties collected will be approximately \$28,500 each year.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure

PROPOSED RULE

12 CSR 10-26.040 Fees

PURPOSE: This rule sets forth the fees payable to the department for dealer licenses.

(1) License fees must be submitted by applicants according to the fee schedule established below:

(A) Motor Vehicle Dealer and/or Manufacturer	\$150
(B) Boat Dealer and/or Boat Manufacturer	\$ 80
(C) Wholesale or Public Auction	\$150
(D) Wholesale Motor Vehicle Dealer	\$150

(2) An additional fifty-dollar (\$50) fee must be paid by each applicant for the first dealer license plate or certificate of number. Any additional dealer license plates or certificates of number may be obtained for ten dollars and fifty cents (\$10.50) each.

(3) If a license is lost, stolen or destroyed, the licensee may obtain a replacement license for a fee of eight dollars and fifty cents (\$8.50).

(4) When application for a license is made after the first month of a registration cycle, the license fee, the fifty-dollar (\$50) fee for the initial dealer license plate and additional plate(s)/certificate(s) of number fees shall be prorated on a twelve (12)-month basis. A renewal applicant is subject to the same fees without proration, regardless of the date the application is received.

AUTHORITY: sections 301.553 and 301.560, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,400 in FY 2000. Total annual aggregate cost of \$2,400 is a one-time cost. The projected revenue is \$874,200 in licensure fees each year to the Motor Vehicle Commission Fund beginning in FY 2000. This amount represents a decrease of \$123,616 in revenue in comparison to the licensure fees authorized by the rule the department rescinded that was issued by the Motor Vehicle Commission. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities \$874,200 each year beginning in FY 2000. This amount represents a decrease in costs of \$123,616 in comparison to the licensure fees authorized by the rule the department rescinded that was issued by the Motor Vehicle Commission. See detailed fiscal note for further explanation.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publications of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.040 Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate. (Denotes Motor Vehicle Commission Fund Revenue).
Department of Revenue	(\$874,200)
Department of Revenue	\$2,400
Total	(\$871,800)

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	(\$874,200)	(\$874,200)
Motor Vehicle Commission Fund	-0-	\$2,400	-0-
Total	-0-	(\$871,800)	(\$874,200)

IV. ASSUMPTIONS

This Proposed Rule establishes the licensure fees to be submitted by dealers, manufacturers and auctions per licensure year and sets the replacement fee if a license plate is lost, stolen or destroyed. Based on the FY '98 Accounting Report, the licensure fees and replacement license fees will result in revenue of \$874,200 per year to the Motor Vehicle Commission Fund. This amount represents a decrease of \$123,616. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: 6,000 x .33 = \$1,980

Printing/envelopes: 6,000 x .070 = \$420

Total: \$2,400

FISCAL NOTE PRIVATE ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.040 Fees

II. SUMMARY OF FISCAL IMPACT

Affected Private Entities	Estimated Cost of Compliance in the Aggregate
Licensed Motor Vehicle & Boat Dealers, Manufacturers and Auto Auctions	\$874,200
Total	\$874,200

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
N/A	-0-	\$874,200	\$874,200
Total	-0-	\$874,200	\$874,200

IV. ASSUMPTIONS

This Proposed Rule establishes the licensure fees to be submitted by dealers, manufacturers and auctions per licensure period and establishes the replacement licensure fee if the license is lost, stolen or destroyed. Depending on the type of license, the fee ranges from \$80 to \$300. The total licensure fees collected per year will be approximately \$874,200.

Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue
Chapter 26—Dealer Licensure

PROPOSED RULE

12 CSR 10-26.050 Business Records Required to be Maintained by Licensees

PURPOSE: This rule establishes the business records to be retained by boat dealers, boat manufacturers, motor vehicle dealers, wholesale motor vehicle dealers and motor vehicle manufacturers.

(1) A licensee shall maintain clear and complete books, records, files and other matters required and necessary to conduct the business of manufacturing and/or selling motor vehicles, trailers and/or boats including but not limited to titles, riders, disclosure statements, affidavits, inventory and related documentation.

(2) The licensee shall have sufficient proof of ownership at the business location for each vehicle/unit owned by the licensee in the form of a certificate of ownership or copy thereof, bill of sale or invoice.

(3) The business records of a licensee shall be maintained at the office of the licensee's business location.

(4) A licensee shall maintain business records for a period of not less than three (3) years, unless otherwise specified by law.

(5) A licensee shall maintain clear and complete copies of all odometer disclosure documents issued and received by the licensee for a period of five (5) years.

AUTHORITY: sections 301.553 and 301.560, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,250 in FY 2000. Total annual aggregate cost of \$2,250 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.050 Business Records Required To Be Maintained By Licensees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,250
Total	\$2,250

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,250	-0-
Total	-0-	\$2,250	-0-

IV. ASSUMPTIONS

This Proposed Rule clarifies the records that must be maintained by licensees. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .045 = \$270$

Total: \$2,250

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.060 Dealer License Plates/Certificates of Number

PURPOSE: This rule establishes guidelines for use of dealer license plates/certificates of number.

(1) Dealer license plates issued to a motor vehicle dealer or manufacturer shall only be displayed on a motor vehicle or trailer owned and held for resale by the licensee. A motor vehicle dealer who purchases up to five (5) vessels during a licensure period may display a motor vehicle dealer license plate on such vessel.

(2) A certificate of number issued to a boat dealer shall be displayed on a vessel or vessel trailer owned and held for resale by the licensee. In addition to obtaining a certificate of number, a boat dealer or manufacturer may obtain a boat dealer trailer license plate solely for the purpose of demonstrating a vessel trailer. A certificate of number or boat dealer trailer license plate may be displayed on a vessel trailer which is transporting a vessel for demonstration or to an exhibit or show as long as both units are for resale.

(3) Dealer license plates or certificates of number may only be used by an employee, owner or officer of the licensee or customer test driving the motor vehicle, trailer or vessel. A customer who is test driving a vehicle or vessel for more than forty-eight (48) hours, or who is test driving a tractor, truck or a trailer under loaded conditions, must have a written demonstration agreement in the vehicle which has been signed and dated by both the customer and the licensee. The written demonstration agreement must be on the licensee's letterhead and include the following items:

- (A) A statement that the vehicle or vessel is being used for demonstration purposes only and the anticipated duration of the demonstration;
- (B) A description of the vehicle or vessel, including the year, make and identification number;
- (C) The name of the customer demonstrating the unit;
- (D) The licensee's name, dealer number and business address;
- (E) A statement of the type of property being transported, if applicable; and
- (F) The mileage on the odometer of the vehicle at the time the demonstration began.

(4) Dealer plates or certificates of number may not be displayed on a motor vehicle, trailer or vessel that is hired or loaned to others or on any regularly used service or wrecker vehicle.

(5) A licensee must account for all dealer license plates/certificates of number at all times.

(6) Whenever a licensee is no longer entitled to a license due to cessation of business, sale of the business, abandonment of the business, suspension or revocation of the license, or other circumstance, the dealer license plates/certificates of number, business license, required monthly sales reports and any unissued permits, if applicable, shall be surrendered to the department immediately, but in no event later than ten (10) days following such circumstance. If a licensee dies or becomes incapacitated, the heirs or estate of the licensee or legal guardian may retain these items for no more than ninety (90) days after death or incapacitation in

which to settle the affairs of the licensee or to apply for a new license in the name of the successor.

(7) Public motor vehicle auctions and wholesale motor vehicle auctions shall not be issued dealer license plates.

AUTHORITY: sections 301.553, 301.560 and 301.562, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,400 in FY 2000. Total annual aggregate cost of \$2,400 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.060 Dealer License Plates/Certificates of Number

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,400
Total	\$2,400

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,400	-0-
Total	-0-	\$2,400	-0-

IV. ASSUMPTIONS

This Proposed Rule establishes guidelines for use of dealer license plates/certificates of number and the procedures that must be followed when ceasing to operate as a licensee. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .070 = \$420$

Total: \$2,400

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.070 Procedural Requirements For Wholesale Motor Vehicle Auctions

PURPOSE: This rule outlines the procedural requirements for wholesale motor vehicle auctions as defined in section 301.550, RSMo.

(1) For purposes of this rule, the term "auction" shall mean, "wholesale motor vehicle auction" unless specified otherwise.

(2) Auctions shall maintain the following information for five (5) years from the date of sale of any motor vehicle or trailer:

- (A) The year, make, model and vehicle identification number of the motor vehicle;
- (B) The name and address of the seller;
- (C) The name and address of the buyer;
- (D) The date of sale and the purchase price;
- (E) The odometer reading of the motor vehicle at the time of sale and odometer disclosure information that complies with the state and federal laws; and
- (F) The certificate of title number and state of issue.

(3) Each auction shall maintain for three (3) years a file on each licensed dealer who buys or sells vehicles at the auction. The file must contain the dealership's name, dealer license number, the state(s) where licensed, dealership's address, dealership's owner(s), partner(s) or corporate officers and the name and address of all individuals authorized to buy and sell on behalf of the dealership.

(4) Any individual conducting a wholesale motor vehicle auction must be licensed pursuant to all applicable laws and make available for inspection all applicable licenses to law officers or Department of Revenue employees. An auction shall maintain a record of each individual performing auctioneering services and the inclusive dates of such services.

(5) Prior to transfer of title of any motor vehicle at auction, an auction shall review all applicable vehicle documentation for all vehicles sold through the auction including but not limited to the following: certificate of title and odometer disclosure statement, if applicable.

(A) The auctioneer must announce any title brands known, the condition of the vehicle, any known damage to the vehicle, the odometer reading of the vehicle on the date of sale and whether the odometer disclosure is actual, not actual, exceeds mechanical limits, or exempt.

(6) Motor vehicles sold at auction are not required to display a Federal Buyer's Guide, unless such vehicles are being sold by a government entity, whose sales are opened to the public as required by law.

(7) An auction must verify that each dealer who buys and sells at the auction is currently licensed as a motor vehicle dealer in the state of Missouri or another jurisdiction at the time of registration with the auction. Thereafter, the auction shall verify that the dealer's license is valid on an annual basis.

(8) A certificate of number (license) issued to an auction by the director must be prominently displayed at the auction's bona fide established place of business.

(9) An auction may only conduct business at its licensed location. Off-site sales are prohibited.

(10) An auction must issue to the buyer and seller of each vehicle a sales document that contains—

- (A) The year, make, model and vehicle identification number of the motor vehicle;
- (B) The name and address of the seller;
- (C) The name and address of the buyer;
- (D) The date of sale and the purchase price; and
- (E) The odometer reading of the motor vehicle at the time of sale.

(11) Records required by this regulation may be maintained in an electronic format.

AUTHORITY: sections 301.550–301.573, RSMo 1994 and Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,550 in FY 2000. Total annual aggregate cost of \$2,550 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.070 Procedural Requirements For Wholesale Motor Vehicle Auctions

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,550
Total	\$2,550

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,550	-0-
Total	-0-	\$2,550	-0-

IV. ASSUMPTIONS

This Proposed Rule outlines the procedural requirements for public motor vehicle and wholesale motor vehicle auctions and record keeping requirements. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .095 = \$570$

Total: \$2,550

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.080 Procedural Requirements For Public Motor Vehicle Auctions

PURPOSE: This rule outlines the procedural requirements for public motor vehicle auctions as defined in section 301.550, RSMo.

(1) For purposes of this rule, the term “auction” shall mean “public motor vehicle auction” unless specified otherwise.

(2) Auctions shall maintain the following information for five (5) years from the date of sale of any motor vehicle or trailer:

(A) The year, make, model and vehicle identification number of the motor vehicle;

(B) The name and address of the seller;

(C) The name and address of the buyer;

(D) The date of sale and the purchase price;

(E) The odometer reading of the motor vehicle at the time of sale and an odometer disclosure statement that complies with the state and federal laws;

(F) A photocopy of both the front and back of the certificate of title; and

(G) Copies of any supporting rider, statement, affidavit, inspection or other document that accompanied the transaction.

(3) Each auction shall provide access to all records requested by Department of Revenue employees or law enforcement during normal business hours.

(4) Motor vehicles shall only be sold at an auction conducted by a licensed auctioneer. The motor vehicle auction must be scheduled and publicized at least one (1) week prior to the sale date.

(5) Any individual conducting a public motor vehicle auction must be licensed pursuant to all applicable laws and make available for inspection all applicable licenses to law officers or Department of Revenue employees. An auction shall maintain a record of each individual performing auctioneering services and the inclusive dates of such services.

(6) Prior to selling any motor vehicle at auction, an auction shall review all applicable vehicle documentation including but not limited to the following: certificate of title and odometer disclosure statement, if applicable.

(A) Prior to selling a vehicle at auction, the auctioneer must announce any brands printed on the title, the condition of the vehicle, any known damage to the vehicle, the odometer reading of the vehicle and any other information on the odometer disclosure statement.

(7) Motor vehicles sold at auction are not required to be safety inspected. Auctioneers shall announce at the beginning of each public auction that the vehicles offered for sale may not have been safety inspected. Relevant signs shall be posted as required by statute.

(8) Both licensed dealers and the public may attend and buy or sell at a public motor vehicle auction.

(9) Motor vehicle auctions shall not accept for sale from a dealer any vehicle without a Federal Buyer's Guide affixed to the vehicle

or which does not comply with other applicable state or federal disclosure requirements.

(10) An auction must verify that each dealer who sells at the auction is currently licensed as a motor vehicle dealer in the state of Missouri or another jurisdiction.

(11) A certificate of number (license) issued to an auction by the director must be prominently displayed at the auction's bona fide established place of business. A separate license must be obtained by each public motor vehicle auction.

(12) An auction may only conduct business at its licensed location. Off-site sales are prohibited.

(13) An auction must issue to the buyer and seller of each vehicle a document that contains—

(A) The year, make, model and vehicle identification number of the motor vehicle;

(B) The name and address of the seller;

(C) The name and address of the buyer;

(D) The date of sale and the purchase price; and

(E) The odometer reading of the motor vehicle at the time of sale.

AUTHORITY: sections 301.550–301.573, RSMo 1994 and Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,550 in FY 2000. Total annual aggregate cost of \$2,550 is a one time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.080 Procedural Requirements For Public Motor Vehicle Auctions

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,550
Total	\$2,550

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,550	-0-
Total	-0-	\$2,550	-0-

IV. ASSUMPTIONS

This Proposed Rule outlines the procedural requirements for public motor vehicle and wholesale motor vehicle auctions and record keeping requirements. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: 6,000 x .33 = \$1,980

Printing/envelopes: 6,000 x .095 = \$570

Total: \$2,550

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.090 Regulation of Off-Premises Shows and Tent Sales

PURPOSE: *This rule specifies the requirements a motor vehicle dealer must meet in order to participate in a show or sale conducted away from their bona fide established place of business as provided in section 301.566, RSMo.*

(1) For purposes of this rule, dealers shall be divided into classes, as provided in section 301.550.3, RSMo, as follows:

(A) Classic motor vehicle dealer—A dealer of motor vehicles at least five (5) years of age that were produced in limited numbers or otherwise have special value unrelated to basic transportation, excluding recreational motor vehicles, historic motor vehicles, motorcycles, motortricycles and all terrain vehicles;

(B) Franchised new motor vehicle dealer—A dealer of new motor vehicles, excluding recreational motor vehicles, motorcycles, motortricycles and all terrain vehicles, and of used motor vehicles for sale. The term “franchised new motor vehicle dealer” is not synonymous with the term “new motor vehicle franchise dealer” as defined in section 301.550.1, RSMo. It is a narrower term that excludes dealers of recreational motor vehicles, motorcycles, motortricycles and all terrain vehicles;

(C) Historic motor vehicle dealer—A dealer of motor vehicles that are at least twenty-five (25) years old, excluding recreational motor vehicles, classic motor vehicles, motorcycles and motortricycles;

(D) Motorcycle dealer—A dealer of new or used motor vehicles operated on two (2) wheels, including motorcycles while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel, motortricycles or all terrain vehicles;

(E) Recreational motor vehicle dealer—A dealer of new or used motor vehicles designed, constructed or substantially modified for use as temporary housing quarters, including sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle;

(F) Used motor vehicle dealer—A dealer of used motor vehicles, provided that the majority of units sold are not motorcycles, motortricycles or recreational motor vehicles. The term “used motor vehicle dealer” as used in section 301.550.3, RSMo is not synonymous with the term as used in section 301.550.1, RSMo. As used in this rule, the term is a narrower term that excludes dealers of historic motor vehicles, classic motor vehicles and wholesale motor vehicles; and

(G) Wholesale motor vehicle dealer—A dealer of motor vehicles only to new motor vehicle franchised dealers or other used motor vehicle dealers or via auctions limited to other dealers of any class.

(2) For the purpose of determining pursuant to section 301.566.1, RSMo, whether a majority of the motor vehicle dealers within a class of dealers in a city or town participate or are invited and have the opportunity to participate in an off-premises show or sale, any dealers whose official mailing address is in the city or town shall be included.

(3) If motor vehicle dealers from more than one city or town are to participate in the same off-premises show or sale, a majority of the dealers in each such city or town must participate or be invited and have the opportunity to participate.

(4) Show, as used in section 301.566, RSMo, shall be deemed to include the stationary display of all or any part of a motor vehicle dealer’s inventory at any location other than the dealer’s usual, bona fide established place of business, regardless of whether sales agents or other dealership employees or owners are present to promote the sale of or to sell the displayed vehicle(s) or to otherwise transact business concerning the dealership, except:

(A) Promotions or contests, conducted by a person or business who is not a licensed motor vehicle dealer, which involve the stationary display of a dealer’s motor vehicle as a means of attracting attention to and participation in the promoter’s event, service or product. The dealer providing the motor vehicle must remove all items identifying the dealership from the motor vehicle prior to its display, with the exception of such information as may be required by federal or state law to be displayed on the vehicle. The promoter, not the dealer, may identify the dealer only by means of a notation on its promotional material stating “vehicle provided courtesy of (name of dealer)” or similar language;

(B) The display of motor vehicles at meetings of organizations which are open only to members of the organization and not to the general public;

(C) The display of motor vehicles at the Missouri State Fair; and

(D) Parades in which one (1) or more local dealerships provide motor vehicles from their inventory to be driven as part of the parade.

AUTHORITY: *sections 301.553 and 301.566, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.*

PUBLIC ENTITY COST: *This proposed rule is estimated to cost state agencies \$2,550 in FY 2000. Total annual aggregate cost of \$2,550 is a one-time cost. See detailed fiscal note for further explanation.*

PRIVATE ENTITY COST: *This proposed rule will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.090 Regulation of Off-Premise Shows and Tent Sales

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,550
Total	\$2,550

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,550	-0-
Total	-0-	\$2,550	-0-

IV. ASSUMPTIONS

This proposed rule establishes the criteria a motor vehicle dealer must meet in order to participate in a show or sale conducted away from its place of business. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .095 = \$570$

Total: \$2,550

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.100 Advertising Regulation

PURPOSE: This rule sets forth requirements to ensure truthful advertising practices by licensees as required in section 301.562, RSMo.

(1) Definitions. The following words and terms, when used in this rule, shall have the following meaning, unless the context clearly indicates otherwise:

(A) Advertisement (includes the terms advertise and advertising) shall mean any oral, written, graphic, pictorial, televised, electronic or radio statement made with the purpose of soliciting business;

(B) Clearly and conspicuously shall mean the statement, representation or disclosure is of a size, color, contrast and audibility as to be readily understood or noticed; and

(C) Licensee shall mean a person(s) or entity that has obtained or is required to obtain a license pursuant to sections 301.559 et seq., RSMo.

(2) General Prohibition. Licensees may not use any advertisement or solicitation which is false, deceptive, fraudulent or which involves a material misrepresentation of fact.

(A) The identity of licensees must be clearly and conspicuously disclosed in all advertising, including classified advertising, by the name registered with the Department of Revenue.

(B) Licensees must clearly and conspicuously disclose all necessary information in a manner that can be reasonably read and understood (if print is used) or which can be reasonably heard and/or seen and understood (if audio/video is used).

(C) Licensees shall not use initials or abbreviations in any advertisement which are confusing, misleading or not understood by the average consumer. For example—

1. Licensees may use commonly understood abbreviations, such as AC, AM/FM, auto, air, 2dr, cyl and A.P.R; and

2. Licensees may not use abbreviations that are not commonly understood, such as W.A.C. (with approved credit), A.D.P. (additional dealer profit), F.T.B. (first time buyer) or doc fee (document fee).

(D) Motor vehicles, boats or trailers advertised for sale shall be in possession of the licensee unless other conditions pertaining to availability are clearly and conspicuously disclosed.

(E) An advertisement must clearly and conspicuously identify the year, make and model of each motor vehicle, boat or trailer. The advertised price shall represent the total delivered price, excluding state and local taxes, trade-in allowances or rebates. If a factory or consumer rebate reduces the total delivered price, the terms of such rebate shall be clearly and conspicuously disclosed.

(3) Where licensees advertise in group associations, licensees shall be held individually responsible for any violations.

AUTHORITY: sections 301.553 and 301.562, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,400 in FY 2000. Total annual aggregate cost of \$2,400 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.100 Advertising Regulation

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,400
Total	\$2,400

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,400	-0-
Total	-0-	\$2,400	-0-

IV. ASSUMPTIONS

This proposed rule sets forth requirements to ensure truthful advertising practices by licensees. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .070 = \$420$

Total: $\$2,400$

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure

PROPOSED RULE

12 CSR 10-26.110 Antique Motor Vehicle

PURPOSE: This rule defines "antique motor vehicle" as that term is used in section 301.570.1, RSMo.

(1) "Antique motor vehicle" means any motor vehicle at least twenty-five (25) years of age.

AUTHORITY: sections 301.550.3 and 301.553, RSMo Supp. 1998.
Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,250 in FY 2000. Total annual aggregate cost of \$2,250 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.110 Antique Motor Vehicle

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,250
Total	\$2,250

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,250	-0-
Total	-0-	\$2,250	-0-

IV. ASSUMPTIONS

This proposed rule provides for a definition of antique vehicle as referenced in the law. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .045 = \$270$

Total: \$2,250

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.120 Procedures for Handling Complaints

PURPOSE: This rule establishes the procedures for processing complaints against persons licensed or required to be licensed pursuant to section 301.559, RSMo.

(1) The department shall receive and process complaints against a motor vehicle dealer, motor vehicle manufacturer, boat dealer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle auction or wholesale motor vehicle dealer or persons required to be licensed as such for acts or practices which may constitute one or more violations of Chapters 301, 307 or 407 of the *Revised Statutes of Missouri*.

(A) All complaints shall be in writing and, at a minimum, shall include:

1. The complainant's name, address and telephone number(s) for home and work, if applicable;

2. Information regarding the vehicle, if applicable, that includes the vehicle year, make, model, vehicle identification number, the date of purchase, the mileage information and the purchase price;

3. Information about the person or business the complaint is against, including the name and address of the person or business, the nature of the complaint, whether the complainant has made contact with the owner/manager of the business about the problem, and if so, the outcome, the form of relief the complaint is seeking and a list of names of any other agencies contacted in relation to the complaint;

4. Whether an attorney has been contacted or a lawsuit filed; and

5. The complainant's signature and the date the complaint was signed.

(B) Complaints may be based upon personal knowledge or upon information and belief, citing information from other sources.

(C) All complaints shall be mailed or delivered to the Motor Vehicle Bureau, Dealer Licensing Section, Post Office Box 43, Jefferson City, MO 65105-0043.

AUTHORITY: sections 301.553 and 301.557, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,400 in FY 2000. Total annual aggregate cost of \$2,400 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.120 Procedures for Handling Complaints

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,400
Total	\$2,400

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,400	-0-
Total	-0-	\$2,400	-0-

IV. ASSUMPTIONS

This proposed rule establishes the procedures for processing complaints against licensees. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .070 = \$420$

Total: \$2,400

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.130 Review of License Denial or Disciplinary Action

PURPOSE: This rule establishes procedures for review of a license denial or the imposition of discipline.

(1) The department shall determine the qualifications of applicants and shall investigate violations of applicable statutes and rules by licensees. Upon a finding of grounds, as set forth in section 301.562, RSMo, the department may refuse to issue or renew a license or may impose disciplinary action on the licensee. Such disciplinary action may include private reprimand, probation for a period of one (1) day to five (5) years, suspension of license from one (1) day to six (6) days or revocation of license. Any decision to refuse licensure or to impose disciplinary action shall be approved by the director or director's designee.

(2) Should a refusal of licensure or the imposition of discipline be deemed appropriate, the department shall issue a written notice thereof by certified mail to the applicant/licensee. The written notice shall contain—

(A) The reason(s) for refusal of licensure or imposition of discipline;
(B) The penalty to be imposed and the effective date thereof; and
(C) A statement of the manner in which the applicant/licensee may request a review of the department's decision to refuse licensure or impose discipline.

(3) A request for review of the department's decision shall—

(A) Be in writing;
(B) Specifically refer to the notice of refusal/discipline from which review is sought or contain a copy of that notice;
(C) Specifically set forth the reasons(s) for review;
(D) Be signed by the applicant/licensee and set forth the applicant's/licensee's current address. All future notices of proceedings pertaining to the request for review shall, unless otherwise specifically changed in writing, be mailed to the address so indicated; and
(E) Be filed with the department in writing within thirty (30) calendar days following issuance of the written notice.

(4) The failure of the applicant/licensee to request a review of the department's decision within the thirty (30) days following issuance of the written notice, or the applicant's/licensee's withdrawal of a request for review, shall result in the department's decision becoming final and shall constitute a waiver by the applicant/licensee of any right to request further review by the department or otherwise.

(5) A request for review shall be deemed a request for hearing and shall stay the imposition of discipline pending the director's final decision. A hearing shall be conducted accordingly unless waived pursuant to 12 CSR 10-26.160.

(6) Following hearing, the department shall issue a final decision, separately stating findings of fact and conclusions of law. The final decision shall be in writing and shall be certified mailed to the applicant/licensee and any attorney of record.

(7) Except as set forth in section (4) above, the final decision of the department may be appealed pursuant to the provisions of Chapter 536, RSMo.

AUTHORITY: sections 301.553 and 301.562, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,400 in FY 2000. Total annual aggregate cost of \$2,400 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.130 Review of License Denial or Disciplinary Action

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,400
Total	\$2,400

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,400	-0-
Total	-0-	\$2,400	-0-

IV. ASSUMPTIONS

This proposed rule establishes procedures for review of a license denial or the imposition of discipline. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .070 = \$420$

Total: \$2,400

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.140 Hearing Procedures

PURPOSE: This rule outlines the procedure for conducting hearings.

(1) All hearings pursuant to 12 CSR 10-26.140 shall be conducted at the department's office in Jefferson City, unless otherwise specified by the department.

(2) Notice of the hearing date, time and location shall be mailed to the applicant/licensee a minimum of ten (10) days prior to the scheduled date of hearing. A hearing may be continued only for good cause shown.

(3) All hearings shall be presided over by a hearing officer designated by the department.

(4) The department shall be represented at hearing by its general counsel, the attorney general, or both.

(5) The applicant/licensee may be represented at hearing by legal counsel.

(6) Parties may present evidence at hearing and utilize affidavits to the extent permissible under Chapter 536, RSMo. Parties may subpoena or require the attendance of witnesses at hearing at their own expense. Witnesses at hearing shall be subject to examination and cross-examination as provided by law.

(7) Hearing proceedings shall be suitably recorded and preserved. A record of such proceedings shall be furnished to any party at cost.

AUTHORITY: section 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,250 in FY 2000. Total annual aggregate cost of \$2,250 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.140 Hearing Procedures

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,250
Total	\$2,250

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,250	-0-
Total	-0-	\$2,250	-0-

IV. ASSUMPTIONS

This proposed rule outlines the procedure for conducting hearings. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .045 = \$270$

Total: \$2,250

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.150 Designated Hearing Officer

PURPOSE: *This rule establishes the duties and powers of a hearing officer.*

(1) The department shall designate a hearing officer or hearing officers to conduct hearings and prehearing conferences as set forth in 12 CSR 10-26.140 and 12 CSR 10-26.170. A hearing officer for such purposes shall be empowered to make decisions concerning the conduct of hearings on behalf of the department.

(2) A hearing officer shall be authorized to—
(A) Administer oaths or affirmations to witnesses;
(B) Issue subpoenas for the attendance of witnesses or the production of documents and other tangible items;
(C) Rule on questions of evidence;
(D) Rule on motions which may be filed during the course of proceedings; and
(E) Make any orders and rulings necessary to maintain order and decorum at hearing.

(3) A hearing officer shall cause the record of proceedings to be suitably recorded and preserved.

(4) Following hearing, a hearing officer shall prepare a proposed decision, separately stating findings of fact and conclusions of law.

AUTHORITY: *section 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.*

PUBLIC ENTITY COST: *This proposed rule is estimated to cost state agencies \$2,400 in FY 2000. Total annual aggregate cost of \$2,400 is a one-time cost. See detailed fiscal note for further explanation.*

PRIVATE ENTITY COST: *This proposed rule will not cost private entities more than \$500 in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.150 Designated Hearing Officer

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,400
Total	\$2,400

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,400	-0-
Total	-0-	\$2,400	-0-

IV. ASSUMPTIONS

This proposed rule establishes the duties and powers of a hearing officer. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .070 = \$420$

Total: \$2,400

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.160 Waiver of Hearing

PURPOSE: This rule sets forth requirements which must be met for a waiver of hearing.

(1) An applicant/licensee who requests a hearing due to denial of licensure or the imposition of discipline may withdraw their hearing request by providing written notice to the hearing officer any time prior to the hearing.

(2) An applicant/licensee who fails to appear at any hearing set forth in 12 CSR 10-26.140 waives any right to further hearing, unless good cause is shown.

(A) The reasons for failing to appear at hearing shall be filed in writing with the hearing officer within fifteen (15) days following the scheduled hearing date.

(B) If the hearing officer finds that the failure of the applicant/licensee to appear at the hearing was for good cause, the hearing officer shall reschedule the hearing as the interests of justice may require.

AUTHORITY: section 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,250 in FY 2000. Total annual aggregate cost of \$2,250 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.160 Waiver of Hearing

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,250
Total	\$2,250

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,250	-0-
Total	-0-	\$2,250	-0-

IV. ASSUMPTIONS

This proposed rule sets forth requirements which must be met for a waiver of hearing. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: $6,000 \times .33 = \$1,980$

Printing/envelopes: $6,000 \times .045 = \$270$

Total: $\$2,250$

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.170 Prehearing Conferences and Stipulations

PURPOSE: This rule establishes specific requirements needed to set prehearing conferences.

(1) The hearing officer designated by the department may set a prehearing conference to facilitate the resolution of issues and to expedite the hearing.

(2) At a prehearing conference, the parties shall be prepared to discuss—

- (A) The simplification of issues;
- (B) The necessity or desirability of consolidating any issues, or to consolidate hearings, to avoid needless duplication and additional expense;
- (C) Admissibility of documents and other evidentiary matters;
- (D) Limitation on the number of witnesses; and
- (E) Other matters necessary or desirable to an expeditious disposition of the hearing.

(3) The parties may enter into stipulations as to some or all of the facts either as a result of a prehearing conference or otherwise. All stipulations shall be reduced to writing and shall be signed by the parties or their attorneys of record. Stipulations shall be binding upon the parties and shall foreclose further evidence on the facts or issues so stipulated.

AUTHORITY: section 301.553, RSMo Supp. 1998. Original rule filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed rule is estimated to cost state agencies \$2,400 in FY 2000. Total annual aggregate cost of \$2,400 is a one-time cost. See detailed fiscal note for further explanation.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COSTS

I. RULE NUMBER

Title: Department of Revenue

Division 10: Director of Revenue

Chapter 26: Dealer Licensure

Type of Rulemaking: Proposed Rule

Rule Number and Name: 12 CSR 10-26.170 Prehearing Conferences and Stipulations

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Revenue	\$2,400
Total	\$2,400

III. WORKSHEET

Fund Affected	Estimated Cost of Compliance FY99	Estimated Cost of Compliance FY00	Estimated Cost of Compliance FY01
Motor Vehicle Commission Fund	-0-	\$2,400	-0-
Total	-0-	\$2,400	-0-

IV. ASSUMPTIONS

This proposed rule establishes specific requirements needed to set prehearing conferences. The department will incur publication and mailing costs to approximately 6,000 dealers as follows:

Postage: 6,000 x .33 = \$1,980

Printing/envelopes: 6,000 x .070 = \$420

Total: \$2,400

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

13 CSR 73-2.015 Fees. The board is amending subsections (1)(B) and (1)(C) and section (2).

PURPOSE: This amendment removes the dollar amounts set for the national and state exams and replaces it with language stating that fees will be determined by the national association. Beginning January 1, 2000 Missouri will no longer control those fees but will transmit fees from the candidate to the national association.

(1) The following fees are *[established]* required by the Board of Nursing Home Administrators:

(B) *[National and State Exam Fee or National Exam Fee (when taken on one of the designated quarterly testing dates) \$150.00]*

National exam fee and computer administration fee for the national exam as fixed by the National Association of Board of Examiners of Long Term Care Administrators (NAB);

(C) *[State Exam Fee for Reciprocity Candidates and for Candidates Needing to Retake the State Exam \$50.00]*

State exam fee and computer administration fee for the state exam as fixed by the National Association of Board of Examiners of Long Term Care Administrators;

(2) *[All fees/Fees listed in (1)(A) and (D)–(H) must be made payable to the [director of revenue] Division of Aging in the form of a cashier's check, company check or money order. Fees listed in (1)(B) and (C) must be made payable to the National Association of Board of Examiners of Long Term Care Administrators (NAB).*

AUTHORITY: section 344.070 RSMo [Supp. 1993] Supp. 1998. Original rule filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed March 4, 1993, effective Aug. 9, 1993. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. Amended: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE ENTITY COST: The private entity cost for this proposed amendment is estimated at \$50,062 for NAB and State Exam Candidates, \$23,290 for NAB Exam Candidates, and \$16,055 for State Exam Candidates in the aggregate for the life of the rule. A detailed fiscal note, which estimates the cost of compliance with this amendment, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, 615 Howerton Court, P.O. Box 1337, Jefferson City, MO 65102, (573) 751-3511. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled

Board of Nursing Home Administrators
FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 73 - Missouri Board of Nursing Home Administrators

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 73-2.015

Prepared October 1, 1999 by the Board of Nursing Home Administrators of the Department of Social Services, Division of Aging.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected: Nursing Home Administrator Examination Candidates	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
307	NAB and State Exams ¹	\$50,062.00
274	NAB Exams ²	\$23,290.00
247	State Exams ³	\$16,055.00

III. WORKSHEET

Nursing Home Administrator Examination Fee increase includes, per candidate: \$85 for the national examination and a new fee of \$115 for the state exam. Fees for the reciprocity candidate taking only the state exam and the candidate retaking the state exam will increase \$65.00. The increase per category is as follows: 1) the NAB-and-State-Exam candidate, \$200; 2) NAB-Exam-only candidate, \$85.00, and; 3) State-Exam-only candidate, \$65.00.

¹ Candidates who took the national and state exam on a regularly scheduled test date.

² Candidates who took the national exam only for a second/third time.

³ Candidates who took the state exam only for a second/third time and reciprocity candidates required to only take the state exam.

IV. ASSUMPTIONS

The number of entities by class are based on actual figures from FY98 and FY99, and projected figures for FY 2000. Not included in this fiscal note are the unmeasureable savings for each candidate surrounding the option to test in 5 Missouri locations instead of 1. These savings include; mileage, meals and hotel expenses. After January 1, 2000, candidates can reasonably travel to the testing center, complete the exam(s) and return home in 1 day. The savings will be even greater for reciprocity candidates because of the ability to take the State Exam at any approved testing facility (Sylvan Center) in the United States.

The estimated aggregate cost does not reflect the potential for less retakes because the candidate can take the exams on different dates. This allows candidates to focus their studies on one exam at a time which can reduce the failure rate. In addition, FY98 includes an unusually high number of candidates (25% higher) compared to the trend from previous fiscal years, FY99 and, the projected figures for FY 2000.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules

PROPOSED AMENDMENT

13 CSR 73-2.020 Procedures And Requirements For Licensure Of Nursing Home Administrators. The board is amending section (3) and deleting the forms following the rule in the *Code of State Regulations*.

PURPOSE: *This amendment removes the exam fee amount and revises the language to prepare for computer-based testing to be implemented January 1, 2000.*

(3) The applicant, shall be eligible to take the examination upon submission of the National Association of Boards of Examiners for Long Term Care Administrators (NAB) Application Form for Computerized Testing, payment of [*an examination*] the required fees [*of one hundred fifty dollars (\$150)*] and satisfactory completion of sections (1) and (2) of this rule. [*I, shall be registered for the examination(s). The increase in the fee from one hundred dollars (\$100) will be effective for applicants who register for the April 11, 1990 examination and any examination after that. The fee will remain one hundred dollars (\$100) for examinations taken prior to the April 11, 1990 test date.*]

AUTHORITY: section 344.070 RSMo [Supp. 1993] *Supp 1998.* Original rule filed March 5, 1974, effective March 15, 1974. Rescinded and readopted: Filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. Amended: Filed Nov. 1, 1999.

PUBLIC ENTITY COST: *This proposed amendment is estimated to cost state agencies or political subdivisions less than \$500 in the aggregate.*

PRIVATE ENTITY COST: *The private entity cost for this proposed amendment is estimated at \$50,062 for NAB and State Exam Candidates, \$23,290 for NAB Exam Candidates, and \$16,055 for State Exam Candidates in the aggregate for the life of the rule. A detailed fiscal note, which estimates the cost of compliance with this amendment has been filed with the secretary of state.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, 615 Howerton Court, P.O. Box 1337, Jefferson City, MO 65102, (573) 751-3511. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled*

**Board of Nursing Home Administrators
FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 73 - Missouri Board of Nursing Home Administrators

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 73-2.020

Prepared October 1, 1999 by the Board of Nursing Home Administrators of the Department of Social Services, Division of Aging.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected: Nursing Home Administrator Examination Candidates	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
307	NAB and State Exams ¹	\$50,062.00
274	NAB Exams ²	\$23,290.00
247	State Exams ³	\$16,055.00

III. WORKSHEET

Nursing Home Administrator Examination Fee increase includes, per candidate: \$85 for the national examination and a new fee of \$115 for the state exam. Fees for the reciprocity candidate taking only the state exam and the candidate retaking the state exam will increase \$65.00. The increase per category is as follows: 1) the NAB-and-State-Exam candidate, \$200; 2) NAB-Exam-only candidate, \$85.00, and; 3) State-Exam-only candidate, \$65.00.

¹. Candidates who took the national and state exam on a regularly scheduled test date.

². Candidates who took the national exam only for a second/third time.

³. Candidates who took the state exam only for a second/third time and reciprocity candidates required to only take the state exam.

IV. ASSUMPTIONS

The number of entities by class are based on actual figures from FY98 and FY99, and projected figures for FY 2000. Not included in this fiscal note are the unmeasureable savings for each candidate surrounding the option to test in 5 Missouri locations instead of 1. These savings include; mileage, meals and hotel expenses. After January 1, 2000, candidates can reasonably travel to the testing center, complete the exam(s) and return home in 1 day. The savings will be even greater for reciprocity candidates because of the ability to take the State Exam at any approved testing facility (Sylvan Center) in the United States.

The estimated aggregate cost does not reflect the potential for less retakes because the candidate can take the exams on different dates. This allows candidates to focus their studies on one exam at a time which can reduce the failure rate. In addition, FY98 includes an unusually high number of candidates (25% higher) compared to the trend from previous fiscal years, FY99 and, the projected figures for FY 2000.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

PROPOSED AMENDMENT

13 CSR 73-2.070 Examination The board is amending the rule by deleting section (2), renumbering section (3), adding new sections (3)–(7), renumbering sections (4)–(7), and deleting section (8).

PURPOSE: This amendment is needed to describe the new procedures for examination brought about by the move from a paper-and-pencil exam to computer-based testing (CBT). The exam is controlled by the National Association of Boards of Examiners of Long Term Care Administrators (NAB) and all states must implement CBT on January 1, 2000.

[(2) Administration of examinations shall be scheduled at least quarterly if one (1) or more applicants are awaiting examination.]

[(3)] (2) [Applicants shall receive written notice of the date, time and place of examination.] The examination must be taken within twelve (12) months of the written notice of board evaluation and qualification. Failure to do so will cause full reapplication to be necessary.

(3) Qualified applicants will be eligible to take the national and/or state examination through the testing service by following the procedures set forth in sections (4)–(7) of this rule.

(4) Applicants must submit the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing and the required fees to the board office. The applicant will receive from the testing service an authorization letter including a list of testing center vendors, each center's toll-free telephone number and instructions on the scheduling process.

(5) Applicants must schedule to sit the examination within sixty (60) days of the date on the testing service's authorization letter.

(6) Failure to schedule and sit the examination(s) within the sixty (60)-day period will cause the applicant's name to be removed from the eligibility list kept by the testing service. Applicants may reschedule by resubmitting the NAB Application Form and paying any required fees.

(7) Applicants must comply with all criteria and requirements established by the board, the National Association of Board of Examiners of Long Term Care Administrators (NAB), the testing service and the testing center.

[(4)] (8) Individuals making initial application for licensure, within twenty-one (21) days of a board meeting date, may be required to wait until a subsequent date to be evaluated.

[(5)] (9) Applicants shall obtain a passing score on the examination(s) administered by the board. The passing score shall be based upon the scale score passing point of one hundred thirteen (113) on the federal portion of the examination and seventy-five percent (75%) on the state portion of the examination.

*[(6)] (10) If an applicant fails to make a passing grade on one or both of the required examinations, the applicant may make application for reexamination and *may be retested at the next reg-**

ularly scheduled examination] pay the required fees. If the applicant fails only one (1) of the required examinations and then fails to retake and pass the examination within a twelve (12)-month period, the applicant shall be required to take and pass both examinations before the board will issue the applicant a license. *[The application for reexamination must be received by the board at least twenty-eight (28) days in advance of the scheduled examination time in order to allow sufficient opportunity for preparation.]*

[(7)] (11) If an applicant fails the examination a third time, the applicant must complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for board-approved examination(s). No applicant shall be licensed by the board after a third licensure examination failure unless the applicant successfully completes the board-prescribed course of instruction and passes the board-approved examination(s). With regard to any nationally certified examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed for a third time to pass the examination.

[(8) Each application for reexamination must be accompanied by an examination fee of one hundred fifty dollars (\$150) which is nonrefundable.]

AUTHORITY: section 344.070, RSMo Supp. 1998. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Emergency amendment filed Dec. 13, 1991, effective Dec. 23, 1991, expired April 20, 1992. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed April 30, 1998, effective Oct. 30, 1998. Amended: Filed March 1, 1999, effective Aug. 30, 1999. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. Amended: Filed November 1, 1999.

PUBLIC ENTITY COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE ENTITY COST: The private entity cost for this proposed amendment is estimated at \$50,062 for NAB and State Exam Candidates, \$23,290 for NAB Exam Candidates, and \$16,055 for State Exam Candidates in the aggregate for the life of the rule. A detailed fiscal note, which estimates the cost of compliance with this amendment has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Nursing Home Administrators, Diana Love, Executive Secretary, 615 Howerton Court, P.O. Box 1337, Jefferson City, MO 65102, (573) 751-3511. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Board of Nursing Home Administrators
FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 73 - Missouri Board of Nursing Home Administrators

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 73-2.070

Prepared October 1, 1999 by the Board of Nursing Home Administrators of the Department of Social Services, Division of Aging.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected: Nursing Home Administrator Examination Candidates	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
307	NAB and State Exams ¹	\$50,062.00
274	NAB Exams ²	\$23,290.00
247	State Exams ³	\$16,055.00

III. WORKSHEET

Nursing Home Administrator Examination Fee increase includes, per candidate: \$85 for the national examination and a new fee of \$115 for the state exam. Fees for the reciprocity candidate taking only the state exam and the candidate retaking the state exam will increase \$65.00. The increase per category is as follows: 1) the NAB-and-State-Exam candidate, \$200; 2) NAB-Exam-only candidate, \$85.00, and; 3) State-Exam-only candidate, \$65.00.

¹. Candidates who took the national and state exam on a regularly scheduled test date.

². Candidates who took the national exam only for a second/third time.

³. Candidates who took the state exam only for a second/third time and reciprocity candidates required to only take the state exam.

IV. ASSUMPTIONS

The number of entities by class are based on actual figures from FY98 and FY99, and projected figures for FY 2000. Not included in this fiscal note are the unmeasureable savings for each candidate surrounding the option to test in 5 Missouri locations instead of 1. These savings include; mileage, meals and hotel expenses. After January 1, 2000, candidates can reasonably travel to the testing center, complete the exam(s) and return home in 1 day. The savings will be even greater for reciprocity candidates because of the ability to take the State Exam at any approved testing facility (Sylvan Center) in the United States.

The estimated aggregate cost does not reflect the potential for less retakes because the candidate can take the exams on different dates. This allows candidates to focus their studies on one exam at a time which can reduce the failure rate. In addition, FY98 includes an unusually high number of candidates (25% higher) compared to the trend from previous fiscal years, FY99 and, the projected figures for FY 2000.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 4—Membership and Creditable Service

PROPOSED AMENDMENT

16 CSR 10-4.014 Reinstatement and Credit Purchases. The board is adding subsection (9)(C) and relettering the remaining subsections.

PURPOSE: This amendment clarifies the use of supplemental credit in the final average salary period.

(9) The purchase of creditable service pursuant to section 169.577, RSMo shall be administered as follows:

(C) The salary used in calculating the cost of creditable service purchased pursuant to section 169.577, RSMo, is not “compensation payable to a member” as that phrase is used in section 169.010(8), RSMo, and shall not be used in determining final average salary;

(D) Credit purchased shall be used for all purposes except vesting;

(E) Interest shall be charged on the unpaid balance of the purchase cost from the date of election until payment is made in full;

(F) A purchase shall be made only in increments of one-tenth (1/10) year and may not exceed four-tenths (4/10) year. Multiple elections are allowed, and a member may again elect to purchase credit for the same period of time for which the member previously applied but for which payment in full was not made within the time allowed by law; and

(G) If the total payments made within the time allowed by law are insufficient to purchase all the credit for which the member applied, proportional credit shall be allowed based upon the ratio between the amount due for the entire period for which election to purchase was made and the total amount of the payments applied to reduce the principal amount due, but only in increments of one-tenth (1/10) year.

AUTHORITY: section 169.020, RSMo [Supp. 1997] Supp. 1998. Original rule filed June 23, 1998, effective Jan. 30, 1999. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, P.O. Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Nonteacher School Employee Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.045 Reinstatement and Credit Purchases. The board is amending section (9).

PURPOSE: This amendment clarifies the use of supplemental credit in the final average salary period.

(9) The purchase of creditable service [provided by section 1 of Senate Bill 378 enacted by the first session of the 88th General Assembly] pursuant to section 169.577, RSMo, shall be administered as follows:

(C) The salary used in calculating the cost of creditable service purchased pursuant to section 169.577, RSMo, is not “compensation paid to a member” as that phrase is used in section 169.600(7), RSMo, and shall not be used in determining final average salary;

(D) Credit purchased shall be used for all purposes except vesting;

(E) Interest shall be charged on the unpaid balance of the purchase cost from the date of election until payment is made in full;

(F) A purchase shall be made only in increments of one-tenth (1/10) year and may not exceed four-tenths (4/10) year. Multiple elections are allowed, and a member may again elect to purchase credit for the same period of time for which the member previously applied but for which payment in full was not made within the time allowed by law;

(G) If the total payments made within the time allowed by law are insufficient to purchase all the credit for which the member applied, proportional credit shall be allowed based upon the ratio between the amount due for the entire period for which election to purchase was made and the total amount of the payments applied to reduce the principal amount due, but only in increments of one-tenth (1/10) year. The amount of partial payments not used to purchase credit or pay interest shall be refunded; and

(H) Election to purchase credit must be made on a form provided by the board of trustees.

AUTHORITY: section 169.610, RSMo [1994] Supp. 1998. Original rule filed June 15, 1994, effective Nov. 30, 1994. Amended: Filed June 14, 1995, effective Dec. 30, 1995. Amended: Filed Aug. 15, 1996, effective Feb. 28, 1997. Amended: Filed Oct. 24, 1996, effective April 30, 1997. Amended: Filed Oct. 25, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, P.O. Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

PROPOSED AMENDMENT

19 CSR 60-50.300 Definitions for the Certificate of Need Process. The committee is adding a new section (3) and renumbering the remaining sections.

PURPOSE: This proposed amendment adds a definition for “charity care” to the list of definitions of terms used in the Certificate of Need (CON) review process.

(3) Charity care means uncompensated care given by a health care facility to indigent and medically indigent people as part of a written mission or policy, and it does not include accounts written off as "bad debts" or third party adjustments, including those for Medicare and Medicaid.

/(3)/(4) Cost means—

(A) Price paid or to be paid by the applicant for a new institutional health service to acquire, purchase or develop a health care facility or major medical equipment; or

(B) Fair market value of the health care facility or major medical equipment as determined by the current selling price at the date of the application as quoted by builders or architects for similar facilities or normal suppliers of the requested equipment.

/(4)/(5) Generally accepted accounting principles pertaining to capital expenditures include, but are not limited to:—

(A) Expenditures related to acquisition or construction of capital assets;

(B) Capital assets are investments in property, plant and equipment used for the production of other goods and services approved by the committee; and

(C) Land is not considered a capital asset until actually converted for that purpose with commencement of above-ground construction approved by the committee.

/(5)/(6) Health care facility means any premises as defined in section 197.305(8), RSMo.

/(6)/(7) Health maintenance organizations means entities as defined in section 354.400(6), RSMo, except for activities directly related to the provision of insurance only.

/(7)/(8) Interested party means any licensed health care provider or other affected person who has expressed an interest in the Certificate of Need (CON) process or a CON application.

/(8)/(9) Major medical equipment means any device or collection of devices and startup costs acquired over a twelve (12)-month period, including equipment, shipping, installation, supplies, and taxes, with an aggregate cost in excess of the expenditure minimum, when the project is intended to provide imaging, diagnostic, treatment, preventive or other health services.

/(9)/(10) Nonsubstantive project includes, but is not limited to, at least one (1) of the following situations:

(A) An expenditure which is required solely to meet federal or state requirements;

(B) The construction or modification of nonpatient care services, including parking facilities, sprinkler systems, heating or air-conditioning equipment, fire doors, food service equipment, building maintenance, administrative equipment, telephone systems, energy conservation measures, land acquisition, medical office buildings, and other projects of a similar nature;

(C) The acquisition of minor x-ray units, computed tomography units, mammography units, and fluoroscopy units, adult day care centers, hospices, and home health care services;

(D) Expenditures for construction, equipment, or both, due to an act of God or a normal consequence of maintenance, but not replacement, of health care facilities, beds, or equipment; or

(E) Expenditures required to resolve the "Year 2000 Compliance Problem" for computers as part of or related to medical equipment. Documentation from a competent third party is required to verify that the project is required solely to solve the "Year 2000 Compliance Problem" along with an itemized equipment list of computers and/or medical equipment affected.

/(10)/(11) Offer, when used in connection with health services, means that the applicant asserts having the capability and the means to provide and operate the specified health services.

/(11)/(12) Predevelopment costs mean expenditures as defined in section 197.305(15), RSMo including consulting, legal, architectural, engineering, financial and other activities directly related to the proposed project, but excluding the application fee for submission of the application for the proposed project.

/(12)/(13) Related organization means an organization that is associated or affiliated with, has control over or is controlled by, or has any direct financial interest in, the organization applying for a project including, without limitation, an underwriter, guarantor, parent organization, joint venturer, partner or general partner.

/(13)/(14) Service area means—

(A) A review area which is the geographic region within the fifteen (15)-mile radius of the proposed site; and

(B) A geographic region in excess of the fifteen (15)-mile review area appropriate to the proposed service, documented by the applicant and approved by the committee.

AUTHORITY: section 197.320, RSMo [Supp. 1997] Supp. 1999. Original rule filed June 2, 1994, effective Nov. 30, 1994. Emergency rescission and rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Rescinded and readopted: Filed Aug. 29, 1997, effective March 30, 1998. Emergency amendment filed Oct. 20, 1998, effective Oct. 30, 1998, expired April 27, 1999. Amended: Filed Oct. 20, 1998, effective April 30, 1999. Amended: Filed Oct. 19, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication in the Missouri Register. No public hearing has been scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.310 Guidelines for Specific Health Services. The committee is amending subsection (2)(B) and adding a new section (7) and renumbering the remaining sections.

PURPOSE: This proposed amendment adds a new definition for "diagnostic imaging center" to the list of terms of health services reviewed in the Certificate of Need (CON) review process.

(2) Acute care means medical treatment rendered to individuals whose illnesses or health problems are of a short-term and episodic nature and is provided in a variety of hospital settings which are individually defined as—

(B) Long-term acute care means services to patients requiring an average length of stay greater than twenty-five (25) days (these beds are licensed as a separate long-term acute care hospital facility as described in 42 CFR section 412.23(e);

(7) Diagnostic imaging center means a structure or portion of a structure housing any professional or business undertaking, whether for profit or not for profit, which offers or proposes to offer any clinical radiological diagnostic health service in a setting which is not part of a hospital which, at a minimum, uses a specialized collection of imaging equipment made up of any two (2) or more of mammography, X-ray, computerized axial tomography, positron emission tomography, fluoroscopy, ultrasound, magnetic resonance imaging (MRI) and related imaging services, and includes related support areas including patient processing, waiting, records, storage, counselling, and other patient support functions.

/(7)/(8) Excimer laser means a specialized collection of equipment used to correct low to moderate myopia (nearsightedness) through a procedure called photorefractive keratectomy (PRK). This procedure removes microscopic layers of corneal tissue from the surface of the cornea to change its shape and improve the focus of light images, using at least the following components:

- (A) Excimer laser system;
- (B) Patient chair;
- (C) Physician's stool;
- (D) Bottles of argon, fluoride, and other gases;
- (E) Visionkey cards for PRK;
- (F) Slit lamp;
- (G) Topography system;
- (H) Micro keratome; and
- (I) Other miscellaneous supplies/equipment.

/(8)/(9) Gamma knife means a specialized type of equipment used to perform stereotactic radiosurgery on small brain tumors and vascular malformations which utilizes multiple Cobalt-60 gamma radiation sources which are focused through a collimator helmet, using at least the following recommended components:

- (A) Radiation unit with collimator helmets;
- (B) Operating table;
- (C) Control panel;
- (D) Computer system; and

/(F)/(E) Support equipment including *(magnetic resonance imaging (MRI))*, CT and angiography.

/(9)/(10) Hemodialysis means a process whereby a patient's blood is run through a machine that acts as an artificial kidney. Patients are connected to the machine two (2) to three (3) times per week for approximately four (4) to six (6) hours per session, using at least the following recommended components:

- (A) Dialysis machine;
- (B) Blood pressure module;
- (C) Dialysis chair;
- (D) Reverse osmosis water system; and
- (E) Crash cart-defibrillator/monitor.

/(10)/(11) Hospital means an establishment as defined in the Hospital Licensing Law, section 197.020.2, RSMo.

/(11)/(12) Lithotripsy means a treatment technique using shock waves or ultrasonic waves to break up calculi (kidney stones) for excretion (two */(2)* common treatment modalities currently are extracorporeal shock wave lithotripsy and percutaneous lithotripsy), using at least the following recommended components:

- (A) Lithotripter system;
- (B) Nephroscope;
- (C) Ultrasonic probe;
- (D) Support equipment (includes an X-ray imager); and
- (E) Vehicle (if mobile).

/(12)/(13) Magnetic resonance imaging (MRI) means a diagnostic technique that provides high quality cross-sectional images of organs and structures within the body without X-rays or other radi-

ation, through the absorption or emission of electromagnetic energy by nuclei in a static magnetic field after excitation by a suitable radiofrequency magnetic field, using at least the following recommended components:

- (A) MRI gantry (electromagnets);
- (B) Device electronics and controller;
- (C) Central processing unit (MRI computer);
- (D) Display console (TV screen);
- (E) Keyboard; and
- (F) Vehicle (if mobile).

/(13)/(14) Positron emission tomography (PET) means a diagnostic technique based on the detection of positrons (positively charged particles) that are emitted by labeled substances introduced into the body. PET scanning produces three */(3)*-dimensional images that reflect the metabolic and chemical activity of tissues being studied and depicts molecular function by the local concentration of an injected radionuclide which decays to a stable form by emitting a positron which a computer processes to produce an image on a TV screen, using at least the following recommended components:

- (A) PET gantry (radiation detectors);
- (B) Device electronics and controller;
- (C) Central processing unit (PET computer);
- (D) Display console (TV screen);
- (E) Keyboard;
- (F) Line printer; and

/(G) Cyclotron (an on-site medical cyclotron for radionuclide production and a chemistry unit for labeling radiopharmaceuticals; or an on-site rubidium-82 generator; or access to a supply of cyclotron-produced radiopharmaceuticals from an off-site medical cyclotron and radiopharmaceutical production facility within a two (2)-hour air transport radius; and a diagnostic imaging unit).

/(14)/(15) Radiation therapy means a treatment technique for cancer and other diseases using X-radiation or other sources of radioactivity in which resultant ionizing radiation retards the progress of the disease, using at least the following recommended components:

- (A) Linear accelerator;
- (B) Simulator with radiographic/fluoroscopic capabilities;
- (C) Treatment planning computer;
- (D) Dosimetry equipment;
- (E) Block cutting machine;
- (F) X-ray film processor; and
- (G) Other (includes calibration equipment).

/(15)/(16) Radiation therapy utilization shall be expressed in terms of patient visits.

/(16)/(17) Surgery means the treatment of disease, injury, or deformity by manual or instrumental operations and is practiced in a variety of settings which individually mean~~:/~~—

(A) Ambulatory surgical facility means an establishment as defined in section 197.200(1), RSMo~~:/~~;

(B) Open heart surgery means any operation on the heart which uses extracorporeal circulation, such as coronary artery bypass surgery, cardiac transplantation, cardiac valve repair or replacement, correction of other acquired or congenital heart defects, and/or removal of a cardiac tumor; the services are provided using at least the following recommended components in addition to a normal operating room:

1. Heart-lung bypass unit;
2. Back-up heart-lung bypass unit;
3. Intra-aortic balloon pump;
4. Ventilator for pulmonary support;
5. Open heart surgery instruments;
6. Special operating room lights for open heart surgery;
7. Ability to perform renal dialysis or kidney dialysis;

8. Cardiac surgery post-operative intensive care unit; and
9. Cardiac catheterization and angiographic facility; and

(C) All other surgery means—

1. Scheduled procedures provided to patients who remain in the hospital more than twenty-four (24) hours; or
2. Procedures performed in operating rooms also used for inpatient surgery, specially designated surgical suites for outpatient surgery, or procedure rooms within an outpatient care facility.

/(17)/(18) Residential care facility I means any premises as defined in section 198.006(15), RSMo.

/(18)/(19) Residential care facility II means any premises as defined in section 198.006(16), RSMo.

/(19)/(20) Intermediate care facility means any premises as defined in section 198.006(8), RSMo.

/(20)/(21) Skilled nursing facility means any premises as defined in section 198.006(17), RSMo.

/(21)/(22) Long-term care hospital means an establishment as described in 42 CFR section 412.23(e).

AUTHORITY: section 197.320, RSMo *[Supp. 1997] Supp. 1999.* Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. Amended: Filed Oct. 19, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication in the Missouri Register. No public hearing has been scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.470 Criteria and Standards for Financial Feasibility. The committee is amending subsection (3)(B) and adding a new section (5).

PURPOSE: This rule lists the financial feasibility Criteria and Standards used in the Certificate of Need (CON) review process. The proposed amendment adds the word "Service" before "Specific Revenues and Expenses" in subsection (3)(B) and adds a new section (5) to identify special forms incorporated into this rule by reference.

(3) Document financial feasibility by including:

(B) The Service-Specific Revenues and Expenses (Form MO 580-1865) for each revenue generating service affected by the project for the past three (3) years projected through three (3) years beyond project completion;

(5) Special forms are furnished by the CON Program and incorporated into this rule by reference as follows:

- (A) Form MO 580-1863
- (B) Form MO 580-1864
- (C) Form MO 580-1865
- (D) Form MO 580-1866
- (E) Form MO 580-1867
- (F) Form MO 580-1868

AUTHORITY: section 197.320, RSMo *[Supp. 1997] Supp. 1999.* Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. Amended: Filed Oct. 19, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication in the Missouri Register. No public hearing has been scheduled.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.700 Post-Decision Activity. The committee is amending section (6) and adding a new section (8).

PURPOSE: This rule describes the procedure for filing Periodic Progress Reports after approval of Certificate of Need (CON) applications, CONs subject to forfeiture, and the procedure for requesting a cost overrun. The proposed amendment changes the phrase "Department of Health-MHFRC" after the word "Missouri" in section (6) and adds a new section (8) to identify special forms incorporated into this rule by reference.

(6) Cost overrun review procedures implement the CON statute section 197.315.7, RSMo. Immediately upon discovery that a project's actual costs would exceed approved project costs by more than ten percent (10%), an applicant shall apply for approval of the cost variance. A nonrefundable fee in the amount of one-tenth of one percent (0.1%) of the additional cost made payable to "Missouri [Department of Health-MHFRC] Health Facilities Review Committee" shall be required. The original and eleven (11) copies of the information requirements for a cost overrun review are required as follows:

(8) Special forms are furnished by the CON Program and incorporated into this rule by reference as follows:

- (A) Form MO 580-1863
- (B) Form MO 580-1864
- (C) Form MO 580-1865
- (D) Form MO 580-1866
- (E) Form MO 580-1867
- (F) Form MO 580-1868
- (G) Form MO 580-1870
- (H) Form MO 580-1871

AUTHORITY: section 197.320, RSMo [Supp. 1997] Supp. 1999. Original rule filed June 2, 1994, effective Nov. 30, 1994. Emergency rescission and rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Rescinded and readopted: Filed Aug. 29, 1997, effective March 30, 1997. Amended: Filed Oct. 19, 1999.

PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received by within thirty days after publication in the Missouri Register. No public hearing has been scheduled.



Certificate of Need Program

PROPOSED PROJECT BUDGET

Description

Dollars

(fill in every line even if the amount is "0")

COSTS:*

- | | |
|-----------------------------------------------------------------|-------------|
| 1. New Construction Costs *** | \$ _____ |
| 2. Renovation Costs *** | _____ |
| 3. Subtotal Construction Costs (#1 plus #2) | _____ |
| 4. Architectural/Engineering Fees*** | _____ |
| 5. Other Equipment (not in construction contract) | _____ |
| 6. Major Medical Equipment | _____ |
| 7. Land Acquisition Costs*** | _____ |
| 8. Consultants' Fees/Legal Fees*** | _____ |
| 9. Interest During Construction (net of interest earned) *** | _____ |
| 10. Other Costs**** | _____ |
| 11. Subtotal Non-construction Costs (sum of #4 thru #10) | _____ |
| 12. Total Project Development Costs (#3 plus #11) | \$ _____ ** |

FINANCING:

- | | |
|----------------------------------------------------------|-------------|
| 13. Unrestricted Hospital Funds for Project | _____ |
| 14. Funds Provided Through Fund Raising Activities | _____ |
| 15. Short Term Loans (less than 5 years) | _____ |
| 16. Long Term Loans | _____ |
| 17. Bonds | _____ |
| 18. Leases | _____ |
| 19. Other Methods (specify) | _____ |
| 20. Total Project Financing (sum of #13 thru #19) | \$ _____ ** |

- | | |
|--------------------------------------------------|----------|
| 21. New Construction Total Square Footage | _____ |
| 22. New Construction Costs Per Square Foot ***** | \$ _____ |
| 23. Renovated Space Total Square Footage | _____ |
| 24. Renovated Costs Per Square Foot ***** | \$ _____ |

*Attach additional page(s) to provide details of how each line item was determined, including all methods and assumptions used.

**These amounts should be the same.

***Capitalizable items to be recognized as capital expenditures after project completion.

****Include as Other Costs the following: other costs of financing; the value of existing lands, buildings and equipment not previously used for health care services, such as a renovated house converted to residential care or a tractor trailer used for a mobile unit, determined by original cost, current book value, or appraised value; or the fair market value of any leased equipment or building, or the cost of beds to be purchased.

*****Divide new construction costs by total new construction square footage.

*****Divide renovation costs by total renovation square footage.



Certificate of Need Program

INSTITUTION'S INCOME STATEMENT**Historical Financial Data for Latest Three Years plus
Projections Through Three Years Beyond Project Completion**

(Use a sufficient number of copies of this form to cover entire period.) **19** **19** **19**

Revenue:

Gross Patient Charges

Inpatient

Outpatient

Total

Less Deductions

Charity Care

Third Party Loss

Total Deductions

Net Patient Service Revenue

Other Operating Revenues

Total Operating Revenues

Operating Expenses:

Labor Costs

Supplies and Other

Professional Fees

Depreciation and Amortization

Interest

Bad Debts

Total Expenses

Income From Operations

Non-operating Gains:

Investment Income

Donations

Gain (Loss) on Disposition of Assets

Other

Net Non-operating Gains

Revenue (Loss) Before Extraordinary Item(s)

Extraordinary Gain (Loss)

**Excess (Shortage) of
Revenue Over Expenses**



Certificate of Need Program

SERVICE-SPECIFIC REVENUES AND EXPENSES

Historical Financial Data for Latest Three Years plus Projections Through Three Years Beyond Project Completion

(Use an individual form for each affected service with a sufficient number of copies of this form to cover entire period.) **19** **19** **19**

Amount of Utilization:*

Revenue:

Average Charge**

Gross Revenue

Revenue Deductions

Operating Revenue

Other Revenue

TOTAL REVENUE

Expenses:

Direct Expense

Salaries

Fees

Supplies

Other

TOTAL DIRECT

Indirect Expense

Depreciation

Interest***

Overhead****

TOTAL INDIRECT

TOTAL EXPENSE

NET INCOME (LOSS):

* Utilization will be measured in "patient days" in nursing home or hospital beds, "procedures" for equipment, or other appropriate units of measure specific to the service affected.

** Indicate how the average charge/procedure was calculated.

*** Only on long term debt, not construction.

**** Indicate how overhead was calculated.



Certificate of Need Program

DETAILED INSTITUTIONAL CASH FLOWS**Historical Financial Data for Latest Three Years plus Projections Through Three Years Beyond Project Completion**

(Use a sufficient number of copies of this form to cover entire period.)

19 **19** **19** Net Cash Flows from Operating Activities
and Nonoperating Gains and Losses:

Net Income

Depreciation and Amortization

Provision for Bad Debts

Net Change in Assets and Liabilities

Other (specify)

 Net Cash Provided by Operating Activities and Nonoperating Gains

Cash Flows from Investing Activities:

Purchases of Property and Equipment

Proceeds from Disposition of Property

Proceeds from Disposition of Equipment

Increase in Assets Whose Use is Limited

Decrease (Increase) in Investments

Decrease (Increase) in Notes Receivable

Other (specify)

 Net Cash Used in Investing Activities

Cash Flows from Financing Activities:

Issuance of Long-term Debt

Defeasance of Long-term Debt

Payments on Long-term Debt

Payments on Capital Leases

Fund Balance Transfers

Other (specify)

 Net Cash Used in Financing Activities

Increase (Decrease) in Cash and Cash Equivalents

Cash and Cash Equivalents, Beginning of Year

 CASH AND CASH EQUIVALENTS, END OF YEAR



Certificate of Need Program

REIMBURSEMENT SOURCES FOR LATEST YEAR

Reimbursement Source	Number of Patients	Gross Patient Charges	Deductions	Net Patient Charges
Medicare	_____	_____	(-) _____	(=) _____
Medicaid	_____	_____	(-) _____	(=) _____
Blue Cross	_____	_____	(-) _____	(=) _____
Private Insurance	_____	_____	(-) _____	(=) _____
Managed Care*	_____	_____	(-) _____	(=) _____
Charity**	_____	_____	(-) _____	(=) _____
Self-Pay	_____	_____	(-) _____	(=) _____
Other	_____	_____	(-) _____	(=) _____

* Includes Health Maintenance Organizations and Preferred Provider Organizations.

** Do not include bad debts, discounts or other non-collectables on this line.



Certificate of Need Program

DEPRECIATION SCHEDULE**For All Items Acquired Through Proposed Project**

General Identifier	Year It Will Enter Service	Useful Life	Cost	Yearly Depreciation



Certificate of Need Program

CONTACT PERSON CORRECTION

Date

Is the "Contact Person" information below correct? Yes No (correct below)

Project Name	Project Number
Contact Person (Name/Title/Association)	Telephone Number
Address (Street/City/State/Zip Code)	

INSTRUCTIONS TO THE APPLICANT:

- According to recent information in the Certificate of Need records, the individual listed above is the "Contact Person" for this project who will be the primary representative responsible for all monitoring and reporting related to this project.
- If this information is correct, check "Yes" in the box above.
- If this information IS NOT correct, check "No" in the box above, and enter the correct information in the appropriate spaces provided below.
- In either case, the applicant must sign at the bottom of this form to certify that this response is true and accurate as of the date posted above.

Please type or print legibly corrected "Contact Person" information below:

Contact Person (Name/Title)	Telephone Number
Address (Association/Street/City/State/Zip Code)	
Applicant (Print or Type Name)	
Applicant (Signature)	Date
Comments or Additional Information:	



Certificate of Need Program

PERIODIC PROGRESS REPORT**Instructions for Completion (see attached blank forms)**

- Purpose:** To gather uniform data regarding the progress and compliance of approved Certificate of Need (CON) projects in accordance with §197.300 to §197.366 RSMo; and to provide data to develop, implement and manage a database for project tracking, monitoring, notification and follow-up.
- Used by:** Missouri Health Facilities Review Committee, CON Program Staff, and Project Contact Person.
- General:** Periodic Progress Reports (PPRs) must provide all requested data and information in a complete, concise and legible manner. Each PPR must indicate if it is an Intermediate or Final Report. PPRs which are incomplete, illegible and/or contain mathematical discrepancies may be returned to the Contact Person for appropriate corrective action.
- Project ID:** Any changes in this information must be brought to the attention of the CON Program Staff immediately upon occurrence.
- Add'l. Info.:** Additional information **MUST** be attached to **substantiate** answers to the individual questions. All final PPRs must include documentation which substantiates all claims and expenditures.

Individual Questions:

1. **Have capital expenditures been incurred for the proposed construction and/or medical equipment?** The project is obligated. A capital expenditure shall be deemed to have occurred if the applicant has at least one or more of the following:
 - **Construction expenditures** assignable to a capital asset in accordance with generally accepted accounting principles and which are not chargeable to pre-development or operating costs, which may be documented by a signed AIA construction contract with starting and ending dates; and above-ground construction;
 - **Purchase Orders (POs)** which are signed and which include the date of purchase, delivery, installation and operational date; or
 - **Acquisition** of medical equipment or property by lease, transfer, or purchase which has been authorized by the applicant and includes the date of the lease, the annual cost, cost and date of buy-out; purchase date, delivery installation and operational dates; and transfer date, current value, installation and operational date.

If the answer to this question is "Yes," then attach copies of the appropriate signed construction contract (include pictures of construction activity), purchase order, or lease agreement (with original signatures).

If capital expenditure or expenditure for medical equipment has not been incurred, provide a detailed explanation and include the steps being taken to correct the situation within the time constraints of §197.315.9 RSMo. Indicate the nature, costs and the date that a capital expenditure will be incurred.

2. **Are the expenditures for this reporting period/project-to-date included?**

List all project expenditures, by category, incurred during the reported period and project-to-date on the **Project Budget/Expenditures** form, which **must be notarized**.

3. **Are the projected final costs within the limits approved? (Self-explanatory)**

Using current costs and expenditures, extrapolate final project costs to the project completion date. If total costs will exceed those approved by the Committee by more than 10%, specify and explain the area and category involved. Also, indicate the estimated filing date for your cost-overrun application.

4. **Are there changes in the services or programs approved? (Explain any changes)**

5. **Has the project contact person changed?** If "Yes," enclose a new CON Contact Person Correction Form.

6. **Construction or installation is _____ % complete.**

(If the project expenditures and construction are both 100% complete, provide a final project budget and expenditure report.)



Certificate of Need Program

PERIODIC PROGRESS REPORT

Type of Progress Report:
 Intermediate
 Final

All applicants granted a Certificate of Need (CON) by the Missouri Health Facilities Review Committee are required to submit periodic progress reports until such time as the project is complete (§197.315 (8) RSMo). These reports **must** be filed with the CON Program staff after the end of **each six (6) month reporting period** following the issuance of a CON.

Name of Project	Report Period
	Project Number
Address	Date CON Issued
	Approved Cost
Project Description	Contact Person
	Telephone

Yes **1. Capital expenditures have been incurred for construction and/or medical equipment.**

No

_____ Date construction started or equipment purchased. Provide copy of AIA contract and/or purchase order.

Yes ***2. Expenditures for this reporting period and project-to-date are included.**

No

_____ % of the total approved project amount that has been expended to date.

Yes **3. There are changes in the final costs of the project.**

No *If "Yes," explain in detail and provide replacement pages for the approved application.*

\$ _____ Estimated final project cost

Yes **4. There any changes in the services or programs approved scope of the project.**

No *If "Yes" explain in detail and provide replacement pages for the approved application.*

Yes **5. The project contact person changed.**

No *If "Yes," enclose a new Contact Person Correction Form (MO 580-1870).*

***6. _____ % of the construction or installation is complete.**

_____ % of the installation is complete.

If Items 2 and 6 are both 100% complete, signify this as the **Final Report and submit documentation of final costs.*

Description of progress to date. Clearly explain expenditures, delays, changes in project progress, or lack of progress, of the approved project (use additional pages as needed):

Project Budget/Expenditures		Report Period: _____ to _____		
Description		Application	This Period	Project-to-date
1. General Construction Costs				
2. Site Work				
3. Subtotal Construction Costs				
4. Architectural/Engineering Fees				
5. Fixed Equipment				
6. Movable Equipment				
7. Land Acquisition				
8. Consultants' Fees/Legal Fees				
9. Interest During Construction				
10. Other Costs				
11. Subtotal Non-construction Costs				
12. TOTAL Project Development Costs				
Square footage: New Construction				
Renovated Space				
Total Project				
Costs per square foot: New Construction				
Renovated Space				
State of _____ County of _____				
Comes now _____ who, first being sworn, verifies that the foregoing expenditures constitute a full and complete accounting of the expenditures for this project.				
_____ (Authorized Contact Person Signature)**				
Subscribed and sworn before me, a Notary Public, on this _____ day of _____, 19 ____.				
(Seal)		_____ (Signature of Notary Public)		
My commission expires _____				

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under sections 338.010, 338.240 and 338.280, RSMo 1994 and 338.140, RSMo Supp. 1998, the board amends a rule as follows:

4 CSR 220-2.010

4 CSR 220-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1841). Based on comments received, the board made minor wording changes to section (8) of this proposed amendment. The affected portion of the text is reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received.

COMMENT: One comment suggested that the term "for injection" be added in Section (8).

RESPONSE AND EXPLANATION OF CHANGE: The Board concurred and suggested changes were made.

COMMENT: One comment requested that immunization drugs be added to the list in subsection (8)(A), based on statistics in Missouri relating to immunizations and also in order to make immunizations more easily available for the elderly.

RESPONSE AND EXPLANATION OF CHANGE: The Board concurred and after language was agreed to regarding storage issues, the suggested changes were made.

4 CSR 220-2.010 Pharmacy Standards of Operation

(8) A home health care or hospice nurse who carries, as a part of a physician's protocol, an emergency kit containing heparin for injection, normal saline for injection, diphenhydramine for injection, epinephrine for injection, and immunizations for influenza, pneumonia and TB testing, does not need to obtain licensure as a pharmacist or a pharmacy.

(A) Drugs stored in a kit and carried by the nurse during the course of his/her normal work shift, shall be stored or transported at all times in accordance with manufacturer standards. Refrigerator units used for storing drugs must not be used for storing non-drug related items.

(B) The amount of drugs for use in a kit shall be limited to initial dosage amounts and does not include the stockpiling of a supply of drugs at the home health or hospice facility.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under section 338.140, RSMo Supp. 1998 and Omnibus State Reorganization Act of 1974 (Appendix B), the board amends a rule as follows:

4 CSR 220-2.020 Pharmacy Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1841–1842). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under sections 338.140, RSMo Supp. 1998 and 338.280, RSMo 1994, the board amends a rule as follows:

4 CSR 220-2.160 Definition of Disciplinary Actions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1842). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 1998, the commission amends a rule as follows:

4 CSR 240-2.020 Meetings and Hearings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 1999 (24 MoReg 2142). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held. Written comments were submitted.

COMMENT: A comment was received from the Missouri Press Association regarding the portion of subsection (3) that allows the commission to change the principal office of the commission with reasonable prior notice to the public. The comment argued that this amendment would allow the commission to move its principal office away from Jefferson City and thus would be contrary to Section 386.120.1, RSMo 1994, which requires that “[t]he principal office of the commission shall be at the state capital at the city of Jefferson City.” The comment suggests that if the commission’s office were moved away from Jefferson City, it would be harder for reporters to obtain information from the commission.

RESPONSE: The commission will not make any changes to the proposed amendment. The statute cited by the Press Association requires that the offices of the commission remain in Jefferson City and the commission has no intention of attempting to move its offices to any other city. However, the commission does expect to move to a new location within Jefferson City in the near future. The language of this rule will allow the Commission to make that move without again amending this rule.

COMMENT: A comment was received from Southwestern Bell Telephone Company regarding subsection (4) of the existing rule, which defines a quorum of commissioners for conducting business. That subsection is being repealed by this amendment. The comment supports the commission’s decision to eliminate the definition of quorum because the same definition already exists in statute and the inclusion of the definition in the rule is, therefore, redundant.

RESPONSE: The commission thanks Southwestern Bell Telephone Company for its comments. No other comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 1998, the commission amends a rule as follows:

4 CSR 240-2.030 Records of the Commission is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 1999 (24 MoReg 2142–2143). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held. Written comments were submitted.

COMMENT: A comment was received from the Missouri Press Association regarding the portion of subsection (1) that allows the commission to establish the specific hours that case records will be available for public inspection at the office of the secretary of the commission. The comment pointed out that Section 386.120(5), RSMo 1994 requires that the offices of the commission be open during business hours. The comment suggests that this requirement also mandates that the commission’s file room be open during all business hours. The Missouri Press Association suggests that when the commission’s offices are open, the public has a right to expect access to the commission’s records.

RESPONSE: The commission will not make any changes to the proposed amendment. The statute cited by the Press Association requires that the offices of the commission be open during business hours every day except weekends and holidays. The statute does not require that the commission’s files remain available at all times that the office is open. Instead, the commission believes that it has the authority to place reasonable restrictions on the use of the file room in order to promote the efficient use of commission resources. No other comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 60—Vocational and Adult Education
Chapter 100—Adult Education

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.430, RSMo 1994, the board hereby amends a rule as follows:

5 CSR 60-100.010 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Public hearings were held on March 22, 1999 in Independence; March 23, 1999 in Jefferson City; March 24, 1999 in Sikeston; March 25, 1999 in St. Peters; and March 26, 1999 in Springfield. Comments received were considered prior to submitting the application to the United States Department of Education.

This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*. This rule describes Missouri’s adult education programs, services, and activities, in accordance with the Adult Education and Family Literacy Act of 1998 (Title II of the Workforce Investment Act of 1998, Public Law 105-659).

5 CSR 60-100.010 Missouri State Plan for Adult Education. The board is amending the Purpose, text of the rule and incorporation material by reference.

PURPOSE: This amendment, of incorporated by reference material, is needed to bring the program plan in compliance with federal statutes.

PURPOSE: *This rule incorporates the current state plan for adult education, which serves as an agreement between state and federal governments regarding the conduct and administration of the program in Missouri.*

PUBLISHER'S NOTE: *The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of the material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.*

The Missouri State Board of Education is responsible for administering and supervising the adult education program at the state level to provide adult education and literacy services, including workplace literacy services, family literacy, and English literacy programs. Funds will be distributed to eligible providers such as local education agencies, public or private nonprofit agencies, community-based organizations, correctional education agencies, postsecondary educational institutions and other institutions that have the ability to provide comprehensive literacy services to adults and families for the purpose of providing instruction in adult education, which is designed to teach persons out of school who are sixteen (16) years of age or older to obtain sufficient mastery of basic educational skills to enable them to function effectively in society. The program priorities and objectives are—to assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency, assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children, and assist adults in the completion of a secondary school education and/or obtain a high school equivalence certificate. These objectives are achieved by providing funds to eligible providers and by providing professional development for adult education staff members through local, state, regional and national sponsored training programs. Project applications are reviewed to assure their compliance with federal and state guidelines. Eligible providers are responsible for meeting federal and state performance measures incorporated in the five (5)-year program plan for adult education, which serves as an agreement between state and federal governments regarding the conduct and administration of the program in Missouri for Fiscal Years 2000-2004, as amended. The Missouri Adult Education State Plan 2000-2004 is hereby incorporated by reference and made a part of this rule.

AUTHORITY: *section 178.430, RSMo 1994. Original rule filed Oct. 15, 1975, effective Oct. 26, 1975. For interviewing history, please consult the Code of State Regulations. Amended: Filed Oct. 29, 1999.*

PUBLIC ENTITY COST: *This order of rulemaking will cost state agencies or political subdivisions in the aggregate of \$7,559,848 for Fiscal Year 2000 based on the monies expected to be available from the U.S. Department of Education. The estimate will vary annually during the five-year plan based on increases or decreases to appropriated amounts.*

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 Department of Elementary and Secondary Education

Division: 60 Vocational and Adult Education

Chapter: 100 Adult Education

Type of Rulemaking: Order of Rulemaking

Rule Number and Name: 5 CSR 60-100.010 Missouri State Plan for Adult Education

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated cost of Compliance in the Aggregate
Department of Elementary and Secondary Education (Reimburse Education Agencies)	Title II \$ 7,559,848 Adult Education and Literacy Act of the Workforce Investment Act of 1998 Total \$ 7,559,848

III. WORKSHEET

The cost estimate presented above is the combined total of the monies expected to be available from the U.S. Department of Education and the General Assembly appropriations to the Department of Elementary and Secondary Education to be disbursed for Fiscal Year 2000. The estimate will vary annually based on increases or decreases to appropriated amounts.

IV. ASSUMPTIONS

Reimbursements to grantees are based on the actual costs of staffing, training and professional development activities, equipment, materials and supplies, etc. Grantees must agree to expend funds to meet the intended purposes of the granting program and in accordance with their approved application.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 60—Vocational and Adult Education
Chapter 120—Vocational Education

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.430, RSMo 1994, the board hereby amends a rule as follows:

5 CSR 60-120.010 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Public hearings were held on March 29, 1999, in Macon and Columbia; March 30, 1999 in Kansas City and Springfield; and March 31, 1999 in Cape Girardeau and St. Peters. Comments received were considered prior to submitting the application to the United States Department of Education.

This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*. This rule describes Missouri's federal vocational education programs, services, and activities, in accordance with the Carl D. Perkins Vocational and Technical Education Act of 1998, Public Law 105-332.

5 CSR 60-120.010 State Plan for Vocational Education

PURPOSE: This amendment, of incorporated by reference material, is needed to bring the program plan in compliance with federal statutes.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of the material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) The State Department of Elementary and Secondary Education, in consultation with the teachers, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, representatives of labor organizations, and the governor, prepares the state plan. The plan identifies specific groups of individuals to be served and indicates the types of programs, services and activities which may be provided. It enumerates the goals and objectives which serve as a basis for the statewide effort to provide for the vocational education needs of the people of Missouri.

(2) The Missouri state plan for vocational education contains the administrative provisions for the delivery of the state's federally assisted vocational education program. The Missouri State Plan for Vocational Education State Fiscal Year 2000–2004 is hereby incorporated by reference and made a part of this rule.

(3) Rules pertaining to the State Board of Education which is responsible for the administration of the state plan, statements of assurance, methods of joint planning and coordination, procedures on local applications and procedures to establish and meet the state level of performance for the four (4) core indicators of performance are contained in the plan.

(4) Operational procedures concerning the allocation of funds for vocational programs are contained in the plan. These procedures deal with funding allocations and procedures for secondary, postsecondary and adult vocational education programs. Additional

procedures pertaining to tech prep education and staff development activities are also included.

*AUTHORITY: section 178.430, RSMo 1994. Original rule filed Aug. 22, 1974, effective Sept. 2, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Oct. 29, 1999.*

PUBLIC ENTITY COST: This order of rulemaking will cost state agencies or political subdivisions in the aggregate of \$23,163,466 for Fiscal Year 2000 based on the monies expected to be available from the U.S. Department of Education. The estimate will vary annually during the five-year plan based on increases or decreases to appropriated amounts.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 Department of Elementary and Secondary Education

Division: 60 Vocational and Adult Education

Chapter: 120 Vocational Education

Type of Rulemaking: Order of Rulemaking

Rule Number and Name: 5 CSR 60-120.010 State Plan for Vocational Education

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated cost of Compliance in the Aggregate
Department of Elementary and Secondary Education (Reimburse Education Agencies)	Title I \$20,939,820 (Vocational Education Assistance to States)
	Title II \$ 2,223,646 (Tech Prep Education)
	Total \$23,163,466

III. WORKSHEET

The cost estimate presented above is the combined total of the monies expected to be available from the U.S. Department of Education and the General Assembly appropriations to the Department of Elementary and Secondary Education to be disbursed for Fiscal Year 2000. The estimate will vary annually based on increases or decreases to appropriated amounts.

IV. ASSUMPTIONS

Reimbursements to grantees are based on the actual costs of staffing, training and professional development activities, equipment, materials and supplies, etc. Grantees must agree to expend funds to meet the intended purposes of the granting program and in accordance with their approved application.

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Higher Education Student Financial Assistance Program

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Higher Education under section 173.260, RSMo Supp. 1998, the commissioner amends a rule as follows:

6 CSR 10-2.100 Public Service Officer or Employee's Child Survivor Grant Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1650-1651). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 1994, the commission amends a rule as follows:

11 CSR 45-1.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1652). The subsection with changes is reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received concerning this rule. Larry Kinser, General Manager of the Argosy Casino commented that with mandated 2 hour cruises, their current 21 hour gaming day would lose an hour. He suggested that the rule allow the last cruise to be three hours.

RESPONSE AND EXPLANATION OF CHANGE: The Commission finds the comment to be reasonable and amends the rule to allow last cruise of the gaming day to be three hours.

11 CSR 45-1.090 Definitions

(5) Definitions beginning with E—

(H) **Excursion**—A two (2)-hour period approved by the commission that an excursion gaming boat shall operate and, if required, cruise, provided; however, that when circumstances beyond the control of the Class A licensee arise that create an inability to track the five hundred dollar (\$500)-loss limit for any excursion, as provided in 11 CSR 45-6.040, the excursion shall automatically terminate and the following excursion must consist of the remaining time scheduled for the terminated excursion plus the entire time of the immediately following scheduled excursion. This period of time shall include reasonable time for boarding and exiting the boat, which shall be established by the commission based on the licensee's ability to enforce the five hundred dollar (\$500)-loss limit. The commission may allow patrons to board and exit the boat at will if the licensee can demonstrate that the five hundred dollar (\$500)-loss limit can be enforced and that the integrity of the admission fee collection process can be main-

tained. Gaming may be permitted at any time during the excursion. The commission shall approve all schedules of excursion prior to the schedule becoming effective. The provisions of this definition to the contrary notwithstanding, the commission may approve an excursion schedule that includes a single three (3)-hour excursion if it is the last excursion of the gaming day.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section(s) 313.004, 313.800 and 313.805, RSMo 1994, the commission amends a rule as follows:

11 CSR 45-9.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1652-1668). Changes have been made in Appendix A, which is incorporated by reference. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Gaming Commission held two public meetings on this rule. A meeting was held in Maryland Heights on April 4, 1999, and a meeting was held in Kansas City on May 5, 1999. The Commission received several comments on this proposed amendment from individuals attending the two public meetings. In addition, the Commission received comments from individuals during the open comment period. The Commission also held a hearing in Jefferson City on August 3, 1999, and one comment was received.

COMMENTS RECEIVED AT THE MARYLAND HEIGHTS MEETING (4/27/99)

Proponents:

Vern Jennings (General Manager at Harrah's and president of the Missouri Riverboat Gaming Association) stated that he supported open boarding, as he felt the current boarding restriction is inconvenient for gaming patrons.

Bill Sinclair (patron) stated he supported open boarding, as he did not like to wait in lines. He also stated he felt current boarding requirements were hard on the elderly.

Edward Corbet (patron) stated he supported open boarding. He further stated that he lived in Sikeston and occasionally patronized the Aztec Casino. If he happened to get there after boarding had closed he would sometimes continue on to Tunica, Mississippi, instead of waiting for the next session.

Kathy Franke (patron) stated that she supported open boarding. She stated the waiting in lines made people feel like cattle.

Devonna Young (employee of the President Casino) stated she supported open boarding. She stated that the boarding restriction makes it hard to give good service to patrons, that they have to hurry patrons through ticketing, and that it makes identifying disassociated persons and underage persons harder.

Darrell Lyons (Aztec employee) stated he supported open boarding. He further stated that he believes removing the boarding restriction will improve crowd control and communication. He stated that the current system creates safety issues, such as people running down the ramp to get on the boat.

Shannon Bowman (Harrah's employee) stated that open boarding would help cage people, decrease the waiting time for patrons accessing the cage and the rush that cage employees experience. She said that removing the boarding restriction will give employees more time to check ID's to identify underage patrons and disassociated persons.

Brian Bondy (Maryland Heights Chamber of Commerce) stated that current boarding times has a negative impact on tourism.

Beverly Blackman stated that she believes open boarding will make for a safer environment. She stated current rules were confusing.

Lana Blow stated that she supported open boarding.

Lawrence Spearman stated that open boarding would make it safer and easier for the handicapped and elderly to access the gaming facilities.

Opponents:

Harold Hendrick (Christian Civic Foundation) stated that he was opposed to open boarding and to further liberalizing the gaming rules and regulations. He further commented that gambling affects suicide rates. In addition, he expressed concern about gaming companies' contributions to political campaigns. Mark Andrews (Casino Watch) stated that he and his organization are opposed to open boarding. He further stated that the Commission should not change the rules, and should leave that to the legislature. He stated that open boarding would further devastate families. He also presented petitions containing 39 signatures of individuals opposed to open boarding.

Kerry Messer (Missouri Family Network) stated that he was opposed to open boarding. He stated that the Commission is a regulatory agency and should not be acting as a public policy agency. He further stated that voters wanted cruising boats, and that he was worried about the erosion of the public trust.

Bill Mead stated that he was concerned because the people weren't getting technical information from the gaming companies.

COMMENTS RECEIVED AT THE KANSAS CITY MEETING (5/5/99)

Proponents:

Larry Kinser (Argosy General Manager, Missouri Riverboat Gaming Assoc.) stated that open boarding will improve patrons' entrance experiences, help employees enforce regulatory obligations like the \$500 limit, and will improve state and local revenues.

Bob Arnold (patron) stated that he supported open boarding. He expressed frustration with the lines created by the boarding restriction. He also said that he had become separated from others in his party before, and that current rules prevented him from going back into the casino.

Charlene George (patron) said she supported open boarding. She said the current regulations are inconvenient and create safety problems.

Frank Sorentino (Harrah's employee) stated that he supported open boarding. He said that the boarding restriction makes it hard to give good customer service.

Toni Smith (Hilton employee) stated that she supports open boarding. As a security officer, the environment under open boarding would be safer and it would make it easier to enforce the regulations.

Deb Ball (Argosy employee) stated that she supports open boarding. She stated that waiting in lines creates stress, rage and artificial chaos for the patrons, thus making it hard on employees.

Michael St. Pierre (Harrah's North K.C. General Manager) said he supports open boarding and that the current system is not convenient to guests.

Ron Haile stated that the current system is aggravating.

Marly Yance stated that boarding times are unnecessary and inconvenient. She stated she is an adult and does not need to be treated like a child. She said that she did not like anti-gaming groups trying to dictate what she can and cannot do. She is tired of them trying to force their beliefs on people like her.

Ann Daniels (Riverside City Administrator) stated that she supported open boarding. She said that it would level the playing field for one-boat operators like the Argosy.

Alice Ledbetter stated that she supported open boarding and the lifting of the "cattle call." She further stated she was old enough to know when to gamble.

Julie Franklin (Harrah's employee) stated that she supported open boarding. She stated that she thought it was a safety issue, but would also help employee morale.

Shirley Manley stated that she supported open boarding. She said that people run to the machines, and sometimes even fight over machines. She further stated she did not like lines.

Opponents:

John Stein (United Methodist Church) said he was opposed to open boarding. He stated that the Commission should be the watchdog of the people, not the lapdog of the industry. He disputed the videos exhibited by the industry, and disputed the alleged rush of the patrons.

Steve Ash stated that he was opposed to open boarding. He stated that the industry was getting everything that they wanted. He stated that open boarding would make it easier to violate the loss limit, which already had lead to the death of his father.

Peggy Eshelman (United Methodist Church) stated she was opposed to open boarding as it will expand the accessibility of gambling, leading to further abuse.

Neutral Testimony

Keith Spare (Missouri Council on Problem Gambling) stated that there is not enough money to treat problem gamblers. More funding is necessary to effectively combat problem gambling in Kansas as well as Missouri.

COMMENTS RECEIVED AT THE RULES HEARING (8/3/99)

Bill Brasher (Missouri Riverboat Gaming Association) stated that his organization supports the rules allowing open boarding.

COMMENTS RECEIVED DURING THE COMMENT PERIOD

Brent Evans (State Representative for Dist. 92) stated that he was concerned about the protection of tax revenue, and in particular, accounting for stayover patrons.

William Brasher (Missouri Riverboat Gaming Association) stated his organization supported open boarding and hoped for a pilot project to begin as soon as possible.

Ed Looney (The Council on Compulsive Gambling of New Jersey) stated that relaxing the embarking regulation would affect compulsive gamblers, as it removes a period where such a person would have to stop and think and possibly stop the activity.

Nancy Harry sent in an e-mail expressing her opposition to open boarding.

Vicki Rich sent in a fax expressing her opposition to open boarding.

Bank of America, the Missouri Bankers Association, the Missouri Riverboat Gaming Association, and Global Cash Access sent in correspondence in opposition to the proposed portion of the rule that moved ATMs outside the gaming area. Comments about the rule indicated it was anti-consumer, presented safety issues, would decrease state/local/riverboat revenues, and would inconvenience patrons.

In addition, the Commission received an estimated 3,000 post-cards from patrons opposing the language in the rule that requires ATM machines to be located outside the gaming area.

RESPONSE AND EXPLANATION OF CHANGE: The Commission has reviewed all of the comments received. The Commission feels that it has the authority to promulgate rules concerning open boarding. The initial boarding policy was not set by the legislature or mandated by the *Missouri Constitution*. The boarding restriction was not mentioned in the original referendum, which provided for continuously docked boats and did not mandate cruising. The original boarding restriction was created by the Commission to prevent continuously docked riverboats from having a competitive advantage over those that cruised. A 1998 report of the Joint Committee on Gaming and Wagering found that the boarding restriction was a regulatory matter and not required by statute. As it has been determined by the Commission, after consultation with the U.S. Coast Guard and the Army Corps of Engineers, that it is unsafe for these large passenger vessels to cruise the Missouri and Mississippi Rivers, it is appropriate for the Commission to find that the boarding restriction is no longer necessary, and promulgate rules accordingly.

In addition, the Commission feels that the boarding restriction creates a number of regulatory problems. The Commission agrees with the comments concerning the bottlenecks of people created by the current system, thus making it difficult for casino employees to meet their regulatory obligations to identify minors attempting to enter the casino, intoxicated patrons and problem gamblers who have voluntarily excluded themselves from the casino. The Commission agrees that the current boarding restrictions lead to the creation of large groups of people at the turnstiles and entrance, causing a potential safety hazard for the elderly and handicapped patrons.

The Commission is concerned about enforcing the \$500 limit. The Commission has examined the boarding process and this examination has shown that boarding restrictions are not effective in controlling the loss limit. Furthermore, because of the creation of artificial bottlenecks of patrons caused by the restriction, the enforcement of the \$500 limit is inhibited. The Commission feels that the best way to enforce the limit is to control the implements for buy-in. In addition, the Commission believes that with open boarding, employees of the boats will have more time to devote to the regulations prohibiting underage patrons and disassociated persons.

The Commission is also concerned about those patrons who exhibit compulsive gaming behavior. The Commission has focused its battle against problem gambling on education, prevention and treatment. Missouri's Disassociated Persons' Program is unique in the country. The Commission believes that open boarding will actually give employees of the gaming operations more time to identify such persons.

The Commission has reviewed the comments concerning the portion of the rule requiring the removal of ATM's from the gaming area. All of the comments concerning that portion of the rule were negative. The Commission has reviewed its initial proposal and has decided to delete section 20 of Section J of the Minimum Internal Control Standards from the proposed amendment to 11 CSR 45-9.030. The Commission feels that this issue should be separate from open boarding and will review it at another time.

11 CSR 45-9.030 Minimum Internal Control Standards

PUBLISHER'S NOTE: Section 20 of Section J of the Minimum Internal Control Standards, which is incorporated by reference, has been deleted.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.003 Rulings is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2051). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.056 Retreading Tires is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2051). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.106 Vending Machines on Premises of Owner is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2051). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.108 Vending Machines on Premises Other than Owner is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2051-2052). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.316 Replacement Machinery and Equipment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2052). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.318 Ceramic Greenware Molds is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2052). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.320 New or Expanded Plant is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2052). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.324 Rock Quarries is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2052-2053). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.326 Direct Use is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2053). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.327 Exempt Machinery is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2053). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 3—State Sales Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 144.030.2(5), RSMo Supp. 1999 and 144.270, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-3.848 Concrete Mixing Trucks is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2053). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 4—State Use Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.705, RSMo 1994, the director rescinds a rule as follows:

12 CSR 10-4.295 Rulings is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2053-2054). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals From Local Boards of Equalization

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under sections 138.430 and 138.431, RSMo Supp. 1999, the commission adopts a rule as follows:

12 CSR 30-3.085 Mediation of Appeals is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2054). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received by the State Tax Commission during the comment period.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 14—Intermediate Care and Skilled Nursing Facility

ORDER OF RULEMAKING

By the authority vested in the Division of Aging under section 198.079, RSMo 1994, the division amends a rule as follows:

13 CSR 15-14.012 Construction Standards for New Intermediate Care and Skilled Nursing Facilities and Additions to and Major Remodeling of Intermediate Care and Skilled Nursing Facilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in *Missouri Register* on August 16, 1999 (24 MoReg 2054). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 14—Intermediate Care and Skilled Nursing Facility

ORDER OF RULEMAKING

By the authority vested in the Division of Aging under section 198.079, RSMo 1994, the division amends a rule as follows:

13 CSR 15-14.022 Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2054-2055). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.153 and 208.201, RSMo 1994, the director hereby amends a rule as follows:

13 CSR 70-10.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 1999 (24 MoReg 1672-1673). The sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received one letter of comment on behalf of the Missouri Health Care Association regarding this proposed amendment during the thirty day comment period. Sections (1), (3), (6) and (7) were changed based on the comment.

COMMENT: The current regulation requires that a facility do a preadmission screening and resident review (PASARR) for mental illness and mental retardation. Adding "or related condition" creates a larger pool of people eligible for the Level II screen and since the phrase "related condition" is not defined it creates the opportunity for inconsistent reviews and evaluations. We suggest the current language "developmentally disabled" be retained in subsections (6) and (7).

RESPONSE AND EXPLANATION OF CHANGE: The division will retain the current rule language regarding "developmentally disabled" in sections (6) and (7). In section (1), the division will incorporate by reference the controlling federal definition of mental illness and mentally retarded for purposes of "Preadmission screening for mentally ill individuals and individuals with mental retardation" at 42 CFR 483.20 (m)(2).

COMMENT: As proposed in subsection (7)(A)1, the phrase "as confirmed by and recommended by a Level II screening" has been eliminated and in its place the words "as determined by the Division of Aging" are substituted. This creates a duplication of effort between two state agencies since the Missouri Department of Mental Health performed the Level II screening and under the proposed amendment, the Missouri Division of Aging will review the evaluation of the Missouri Department of Mental Health.

RESPONSE AND EXPLANATION OF CHANGE: The division did not intend a duplication of effort and will clarify that the Division of Aging is the agency with the responsibility to communicate the Department of Mental Health decision to the nursing facility.

COMMENT: The modification of "severe/end stage" has been added to the diagnosis of chronic obstructive pulmonary disease. We suggest that the words "severe/end stage" be eliminated.

RESPONSE AND EXPLANATION OF CHANGE: The modification to consider the level of severity of the chronic obstructive pulmonary disease will be removed from the proposed regulation.

COMMENT: The comment suggested that the seven day emergency admission category be extended to 14 days because of Medicare requirements that the person be assessed on the fifth and 14th day after admission.

RESPONSE: To qualify for a Medicare stay an individual must have had a hospital stay of three or more days. Transfers from a hospital to a nursing facility do not meet the criteria for an emergency admission.

COMMENT: The third special admission category is "respite care." The commenter suggested that the maximum period of admission be changed to at least fifty-two days to give persons the potential of having respite care at least one day a week.

RESPONSE: At this time the 42 day annual maximum will be retained in the regulation but Division of Medical Services and Division of Aging staff will be reviewing the need to extend the maximum number of days an individual may be admitted and remain in a facility in order to provide respite for the individual's caregiver.

COMMENT: The "Private Entity Cost" stated in the proposed amendment of "not more than \$500 in the aggregate" is not accurate.

RESPONSE: The division does not agree that the changes proposed in this amendment will require additional screening or a higher cost to facilities for complying with the proposed changes. The rule is codifying current federal law and regulations and the state's longstanding procedures.

13 CSR 70-10.040 Medicaid Eligibility and Preadmission Screening for Mentally Ill and Mentally Retarded Individuals

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) An individual who is admitted to a Medicaid certified bed on or after January 1, 1989, and has not been screened for mental illness and mental retardation prior to admission to a Medicaid-certified nursing facility (NF) bed or who does not have a valid special admission exemption will not be eligible for Title XIX payments to be made on his/her behalf for NF services.

(A) This rule incorporates by reference 42 Code of Federal Regulations (CFR) 483.20(m)(1) and (2).

(B) For purposes of this rule an individual is considered to have mental illness if the individual has a serious mental illness as defined in 42 CFR 483.102(b)(1) which is hereby incorporated by reference.

(C) For purposes of this rule an individual is considered to be mentally retarded if the individual is mentally retarded as defined in 42 CFR 483.102(b)(3), which is hereby incorporated by reference, or is a person with a related condition as described in 42 CFR 435.1009, which is hereby incorporated by reference.

(3) Preadmission screening and resident reviews (PASARR) will include an assessment of the individual's:

(A) Physical condition;

(B) Mental condition; and

(C) Need for specialized services for mental illness or mental retardation.

(6) The preadmission screening and resident review process will be divided into two (2) parts: Level I and Level II.

(A) The purpose of a Level I screening is to identify a nursing facility applicant or resident who is known or suspected to be mentally ill, mentally retarded or developmentally disabled.

(7) Any individual identified to be or suspected to be mentally ill, mentally retarded or developmentally disabled by the Level I screening may require a Level II screening. A Level II screening must be performed prior to admittance into a certified bed located in an NF, unless a valid special admission category applies.

(A) The Level II screening shall be performed by the Department of Mental Health or its designee. If a review indicates that specialized services are required at a level of care that can only be furnished in an intermediate care facility for the mentally retarded (ICF/MR), within the Home and Community-Based Waiver for the Developmentally Disabled or an acute care mental hospital, that individual is inappropriate for admission or continued stay in an NF. This will be true even if the individual meets the eighteen (18)-point count under 13 CSR 15-9.030 needed for authorization of Medicaid nursing facility payments.

1. If an individual described in subsection (7)(A) has medical needs which can only be met in an NF, as confirmed by and recommended by a Level II screening and communicated to the nursing facility by the Division of Aging, that individual may be admitted or continue to remain in an NF. If the medical condition improves and nursing needs could be met in other settings, the individual shall be discharged.

2. Notice of a decision resulting from a Level II screening shall be sent by the Division of Aging to the referring entity who submitted the Level I screening forms and the proposed placement facility, if different.

(B) Any individual suspected of being mentally ill, mentally retarded or developmentally disabled by the Level II process and who has been admitted to an NF shall be subject to a Level II preadmission screening/resident review. Any individual determined through the Level II process to be mentally ill, mentally retarded or developmentally disabled and to require specialized services shall be discharged if a Level II screening determines nursing care needs can be met in other settings regardless of the point count under 13 CSR 15-9.030.

(C) Special admission categories are as follows:

1. A person who qualifies for a special admission category shall have mental health screen performed as detailed per the following:

A. Terminal illness. The person is certified by a physician to be terminally ill. As defined by the Social Security Act an individual is considered to be terminally ill if there is a medical prognosis that the individual's life expectancy is six (6) months or less; and

B. Severely ill. The person is comatose, ventilator dependent, functions at brain stem level or has a diagnosis of chronic obstructive pulmonary disease, severe Parkinson's disease, Huntington's disease, Amyotrophic Lateral Sclerosis or congestive heart failure which results in a level of physical impairment so severe the individual could not be expected to benefit from specialized services; and

2. The following special admission categories may require a mental health evaluation following admission:

A. Direct transfer from a hospital—If a physician attests that the individual is likely to need thirty (30) days or less of nursing facility care for the condition for which the individual was hospitalized, no Level II screening is necessary and the individual is exempt from the PASARR process. Nursing facility payment will be made for no more than thirty (30) days. If it becomes apparent that the individual will need longer than thirty (30) days, the facility must immediately notify the Division of Aging. If a continued stay is approved, a Level II screening may be performed;

B. Emergency provisional admission—This category is for a situation in which an individual needs placement to protect the individual from serious physical harm to self or others. The nursing facility must contact the Division of Aging Elderly Abuse/Neglect hotline to make a formal request. This special admission category requires prior authorization by the Division of Aging as an emergency. No more than seven (7) days will be allowed for an emergency admission. The Division of Family Services will manage those dates based on information from the Division of Aging. If the resident needs to stay in the facility longer than seven (7) days, the facility must immediately notify the Division of Aging to determine continued stay. A Level II screening may be performed after the initial seven (7)-day period; and

C. Respite care—An individual may be admitted and remain in a facility for thirty (30) consecutive days or less with a forty-two (42)-day maximum in twelve (12) months in order to provide respite for the individual's caregiver. A Level II screening is not required. The Division of Family Services will control the nursing facility authorized payment dates by means of a form they send to the state office. No payment will be made to the nursing facility beyond the thirty (30) days. If a situation arises in which the stay is longer than thirty (30) days, the nursing facility must contact the Division of Aging. If a continued stay is authorized, a Level II screening may be performed.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153, 208.201, and 208.471, RSMo 1994, the director hereby amends a rule as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1916-1917). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 20—Communicable Diseases

ORDER OF RULEMAKING

By the authority vested in the Department of Health under sections 167.183 192.020, 192.067 and 192.802, RSMo 1994 and 191.656, 192.006 and 701.328, RSMo Supp. 1998, the department adopts a rule as follows:

19 CSR 20-20.075 Confidentiality of Information Obtained for reporting of Communicable, Environmental and Occupational Diseases and Conditions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 16, 1999 (24 MoReg 2055). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee rescinds a rule as follows:

19 CSR 60-50.400 Letter of Intent Process is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1918). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee adopts a rule as follows:

19 CSR 60-50.400 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1918-1925). Changes have been made in the text of the proposed rule, so those sections are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on September 3, 1999, at 10:00 a.m. at the offices of the Certificate of Need Program, 915G Leslie Boulevard, Jefferson City, Missouri. Oral and written comments were received during the comment period.

COMMENT: In section (3) delete the phrase "requiring a CON application" for LTC bed expansions and replacements since these types of projects have a statutory right for expansion or replacement.

RESPONSE: The committee disagrees. The statute says the Committee "shall issue a certificate of need" for LTC bed expansions and replacements; therefore, an application is required to obtain a CON. The CONP staff developed and the Committee approved an abbreviated application and review process for these types of applications. In addition, the Division of Aging will not license a LTC facility in the absence of a CON or a letter from the Committee saying the facility doesn't need one. No change was made to the proposed rule, as a result of this comment.

COMMENT: In section (3), add the phrase "for the previous 18 months preceding the letter of intent" immediately after "final Class I deficiencies" and before "by the Division of Aging" to eliminate ambiguity.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made by moving "and final Class I deficiencies" to follow "licensed bed occupancy" so that both are covered by the phrase "for the most recent six (6) consecutive calendar quarters."

COMMENT: In subsections (4)(F)2. and 3., remove all references to "any health care facility not licensed under chapter 198" and replace with "any health care facility defined in 197.305(7)" to eliminate ambiguity.

RESPONSE: The committee disagrees. The definition of health care facilities in section 197.305(7) includes LTC facilities, and the intent of SB 326 was to allow bed expansions in facilities licensed under Chapter 198 only. Therefore, the phrase "any health care facility not licensed under Chapter 198" is more appropriate. No change was made to the proposed rule as a result of this comment.

COMMENT: In subsection (4)(F)8, remove the phrase "For facilities not licensed under Chapter 198" and replace with "any health care facility defined in section 197.305(7)" to eliminate ambiguity.

RESPONSE: The committee disagrees. This subsection has historically allowed hospital facilities to add LTC of up to 10 bed or 10 percent of its licensed capacity in any 24-month period. HB 1362 allowed this sort of expansion for LTC facilities, but only for a specific two-year window of opportunity, which expired on December 31, 1998. No change was made to the proposed rule as a result of this comment.

COMMENT: Section (1) means qualifying health care facilities for LTC bed expansions would have only 18 months to try to purchase beds after submitting the LOI. There is no such limitation in the statute on a facility's right to purchase beds.

RESPONSE: The committee disagrees. It is assumed that, if a facility has made a good faith effort to purchase beds for 18 months pursuant to section 197.318.8(1) but was unsuccessful, then that facility would exercise its option to expand by adding new beds as allowed in section 197.318(1)(e). However, additional time to purchase beds could be obtained by filing a new LOI. No change was made to the proposed rule as a result of this comment.

COMMENT: Section (1) requires that an LOI must be filed at least 30 days before the LTC facility may file its CON application, and 19 CSR 60-50.420(1) requires that the CON application be submitted at least 41 days before the Committee's meeting. There is no need, or authority, for requiring that a LTC facility submit its LOI for LTC bed expansions at least 71 days before the Committee's meeting.

RESPONSE: The committee disagrees. The CON statute clearly set forth specific minimum time frames for submission of a LOI and the maximum time for making a decision on an application. By statute, the Committee has up to 130 days to make a decision on an application. The dates set forth in this subsection are clearly intended to shorten the time frame for qualifying proposals while still meeting statutory public notice requirements. No change was made to the proposed rule as a result of this comment.

COMMENT: Section (3) defines "LTC bed expansion or replacement" as including all the provisions of section 197.318.8 through 197.318.10 for which a CON application is required. Thus, a health care facility must ascertain when a CON application must be filed in order to determine the meaning of "LTC bed expansion or replacement" within the rules, which would arbitrarily burden the health care facilities affected by this rule.

RESPONSE: The committee disagrees. The statutory cross-references clearly identify when a nursing home or residential care facility requires review. No change was made to the proposed rule as a result of this comment.

COMMENT: Section (3) appears to include the bed relocations authorized in section 197.318.8(4). If the definition of bed expansion includes such relocations, then 19 CSR 60-50.400 operates to require a health care facility intending to move its beds to another location within 6 miles to obtain a CON. Such a requirement is inconsistent with 197.318(4).

RESPONSE: The committee disagrees. The term "may" is permissive based on the judgement of the Committee. When exceptions or exemptions were intended, the Legislature elsewhere clearly used these terms. No change was made to the proposed rule as a result of this comment.

COMMENT: Subsection (4)(E) states that a health care facility that obtains a Non-Applicability CON letter must file a Periodic Progress Report (PPR) with the Committee before any additional beds are licensed or new services offered. There is no statutory authority requiring a PPR from all the facilities entitled to a Non-Applicability CON letter.

RESPONSE: The committee disagrees. This was not part of the Rules that were revised to implement SB 326, but a final PPR is required to assure that the final cost did not exceed the expenditure minimum promised by the applicant. The public has a right to expect honesty and dependability from such facilities. No change was made to the proposed rule as a result of this comment.

COMMENT: Subsections (4)(F)2., 3., and 8. require the submission of a CON application for certain projects undertaken by a "health care facility" or by "facilities" that are "not licensed under Chapter 198, RSMo" but do not indicate what the facilities are.

RESPONSE: The committee disagrees. These subsections were not part of the Rules that were revised to implement SB 326, but there has historically not been a problem ascertaining what health care facilities are under the statute since they are already concisely defined in section 197.305(7). No change was made to the proposed rule as a result of this comment.

COMMENT: In subsection (4)(A), change "CON letters" to "proposals."

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

COMMENT: On form MO 580-2351, under "Part III: Deficiencies" add the phrase "prior to the LOI date shown above" to clarify the date certain, retrospectively, from which deficiencies will be reviewed by the DA.

RESPONSE: The committee disagrees. "Deficiencies" is the title of the section; the narrative below references "any Class I patient care deficiencies during the past 18 months." No change was made to the proposed rule as a result of this comment.

COMMENT: On form MO 580-2158, the reference to 197.305(8) should be 197.305(10).

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees. The original reference was incorrect, but should actually be changed to "section 197.305(7)," and the change was made.

COMMENT: Form MO 580-1871 is outdated and unclear and should be streamlined.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

COMMENT: On form MO 580-2157, modify to include "(after 1/1/2003)" in the second column and "RCF/ICF/SNF" in the fifth column.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

COMMENT: On form MO 580-2158, change reference to "section 197.305(7)" from "section 197.305(8)," change reference from "section 197.305.12(e)" to "section 197.305.10(e)," and change reference from "section 197.305.12(g)" to "section 197.305.10(g)"

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the changes were made.

19 CSR 60-50.400 Letter of Intent Process

(3) A LTC bed expansion or replacement as defined in these rules includes all of the provisions pursuant to section 197.318.8 through 197.318.10, RSMo, requiring a CON application, but allowing abbreviated information requirements and review time-frames. When a LOI for a LTC bed expansion (except replacements) is filed, the Certificate of Need Program (CONP) staff shall immediately request certification for that facility of average licensed bed occupancy and final Class 1 patient care deficiencies for the most recent six (6) consecutive calendar quarters by the Division of Aging (DA), Department of Social Services through a LTC Facility Expansion Certification (Form MO 580-2351) to verify compliance with occupancy and deficiency requirements pursuant to section 197.318.8, RSMo. Occupancy data shall be taken from the DA's most recently published Quarterly Survey of Hospital and Nursing Home (or Residential Care Facility) Bed Utilization reports. For LTC bed expansions or replacements, the sellers and purchasers shall be defined as the owner(s) and operator(s) of the respective facilities, which includes building, land, and license. On the Purchase Agreement (Form MO 580-2352), both the owner(s) and operator(s) of the purchasing and selling facilities should sign.

(4) The CONP staff, as an agent of the Missouri Health Facilities Review Committee (committee), will review LOIs according to the following provisions:

(A) Major medical equipment is reviewed as an expenditure on the basis of cost, regardless of owners or operators, or location (mobile or stationary);

(B) The CONP staff shall test the LOI for applicability in accordance with the Expenditure Minimums Applicability Test (Form MO 580-2157); and the Exemptions and Exceptions Applicability Test (Form MO 580-2158);

(C) If the test verifies that a statutory exception or exemption is met on a proposed project, or is below all applicable expenditure minimums, the committee chairman may issue a nonapplicability CON letter indicating the application review process is complete; otherwise, the CONP staff shall add the proposal to a list of non-applicability proposals to be considered at a committee meeting;

(D) If an exception or exemption is not met, and if the proposal is above any applicable expenditure minimum, then a CON application will be required for the proposed project;

(E) A nonapplicability CON letter will be valid subject to the following conditions:

1. Any change in the project scope, including change in type of service, cost, operator ownership, or site, could void the effectiveness of the letter and require a new review; and

2. Final audited project costs, including a notarized project cost verification, must be provided on a Periodic Progress Report (Form MO 580-1871) before any additional beds are licensed or new services offered; and

(F) A CON application must be made if—

1. The project involves the development of a new health care facility costing in excess of one (1) million dollars;

2. The project involves a capital expenditure, excluding major medical equipment, by or on behalf of a health care facility not licensed under Chapter 198, RSMo, costing in excess of one (1) million dollars;

3. The project involves the acquisition or replacement of major medical equipment in an existing or proposed health care facility not licensed under Chapter 198, RSMo costing in excess of one (1) million dollars;

4. The project involves the acquisition or replacement of major medical equipment for a health care facility licensed under Chapter 198, RSMo, costing in excess for four hundred thousand dollars;

5. The project involves the acquisition of any equipment or beds in a long-term care hospital meeting the requirements found in 42 CFR section 412.23(e) at any cost;

6. The project involves a capital expenditure, but not additional beds, by or on behalf of an existing health care facility licensed under Chapter 198, RSMo, costing in excess of one (1) million dollars;

7. The project involves predevelopment costs in excess of one hundred and fifty thousand dollars (\$150,000);

8. For facilities not licensed under Chapter 198, RSMo, the project involves a change in licensed bed capacity of a health care facility or reallocation of an existing health care facility's licensed beds among services, physical facilities, or sites by more than ten (10) beds or ten percent (10%) of the total bed capacity, whichever is less over a two (2)-year period; or

9. Prior to January 1, 2003, the project involves additional long-term care (licensed or certified residential care facility I or II, intermediate care facility, or skilled nursing facility) beds or LTC bed expansions or replacements as defined in section (3) above of this rule, regardless of cost, with certain exemptions and exceptions.



LTC Facility Expansion CERTIFICATION

by the Division of Aging, Department of Social Services

Part I: Facility Information

Name of Facility: _____

Address (no PO Box): _____

City, State, Zip, County: _____

Number and Type of Beds: _____ RCF ICF/SNF (circle RCF for residential care facility or ICF/SNF for intermediate care and skilled nursing facility)

Owner(s): _____

Operator(s): _____

Project Number: _____ Date LOI Filed: _____

Part II: Quarterly RCF/ICF/SNF Bed Occupancy Rate

Occupancy statistics for this facility for the most recent six consecutive calendar quarters prior to the LOI date shown above:

(circle appropriate quarter, insert the Calendar Year (CY), and complete information below)

Qtr 1 2 3 4 CY _____: _____% **Qtr 1 2 3 4 CY** _____: _____% **Qtr 1 2 3 4 CY** _____: _____%

Qtr 1 2 3 4 CY _____: _____% **Qtr 1 2 3 4 CY** _____: _____% **Qtr 1 2 3 4 CY** _____: _____%

Six-quarter average: _____%

Yes No For expansion through the **purchase** of beds, based on the Division of Aging's Quarterly Survey Data, the 90% bed occupancy requirement has been met.

Yes No For expansion through the **addition** of beds, based on the Division of Aging's Quarterly Survey Data, the 92% bed occupancy requirement has been met for under 40 LTC beds, or 93% for 40 bed or more LTC beds (see above).

Part III: Deficiencies

Yes No For expansion through the **purchase** or **addition** of beds, based on the Division of Aging's annual facility survey, the above-named facility has not had any final Class I patient care deficiencies during the past 18 months.

Part IV: Certification of Information

Statement: The above information is an accurate representation of the findings by the Division of Aging in accordance with appropriate CON rules.

Signature: _____

Title/Date: _____



Certificate of Need Program

PERIODIC PROGRESS REPORT

Instructions for Completion (see attached blank forms)

Purpose: To gather uniform data regarding the progress and compliance of approved Certificate of Need (CON) projects in accordance with §197.300 to §197.366 RSMo; and to provide data to develop, implement and manage a database for project tracking, monitoring, notification and follow-up.

Used by: Missouri Health Facilities Review Committee, CON Program Staff, and Project Contact Person.

General: Periodic Progress Reports (PPRs) must provide all requested data and information in a complete, concise and legible manner. Each PPR must indicate if it is an Intermediate or Final Report. PPRs which are incomplete, illegible and/or contain mathematical discrepancies may be returned to the Contact Person for appropriate corrective action.

Project ID: Any changes in this information must be brought to the attention of the CON Program Staff immediately upon occurrence.

Add'l. Info.: Additional information **MUST** be attached to **substantiate** answers to the individual questions. All final PPRs must include documentation which substantiates all claims and expenditures.

Individual Questions:

1. Have capital expenditures been incurred for the proposed construction and/or medical equipment? The project is obligated. A capital expenditure shall be deemed to have occurred if the applicant has at least one or more of the following:

- **Construction expenditures** assignable to a capital asset in accordance with generally accepted accounting principles and which are not chargeable to pre-development or operating costs, which may be documented by a signed AIA construction contract with starting and ending dates; and above-ground construction;
- **Purchase Orders (POs)** which are signed and which include the date of purchase, delivery, installation and operational date; or
- **Acquisition** of medical equipment or property by lease, transfer, or purchase which has been authorized by the applicant and includes the date of the lease, the annual cost, cost and date of buy-out; purchase date, delivery installation and operational dates; and transfer date, current value, installation and operational date.

If the answer to this question is "Yes," then attach copies of the appropriate signed construction contract (include pictures of construction activity), purchase order, or lease agreement (with original signatures).

If capital expenditure or expenditure for medical equipment has not been incurred, provide a detailed explanation and include the steps being taken to correct the situation within the time constraints of §197.315.9 RSMo. Indicate the nature, costs and the date that a capital expenditure will be incurred.

2. Are the expenditures for this reporting period/project-to-date included?

List all project expenditures, by category, incurred during the reported period and project-to-date on the **Project Budget/Expenditures** form, **which must be notarized**.

3. Are the projected final costs within the limits approved? (Self-explanatory)

Using current costs and expenditures, extrapolate final project costs to the project completion date. If total costs will exceed those approved by the Committee by more than 10%, specify and explain the area and category involved. Also, indicate the estimated filing date for your cost-overtun application.

4. Are there changes in the services or programs approved? (Explain any changes)

5. Has the project contact person changed? If "Yes," enclose a new CON Contact Person Correction Form.

6. Construction or installation is ____ % complete.

(If the project expenditures and construction are both 100% complete, provide a final project budget and expenditure report.)



Certificate of Need Program

PERIODIC PROGRESS REPORT

Type of Progress Report:
 Intermediate
 Final

All applicants granted a Certificate of Need (CON) by the Missouri Health Facilities Review Committee are required to submit periodic progress reports until such time as the project is complete (§197.315 (8) RSMo). These reports **must** be filed with the CON Program staff after the end of **each six (6) month reporting period** following the issuance of a CON.

Name of Project	Report Period
	Project Number
Address	Date CON Issued
	Approved Cost
Project Description	Contact Person
	Telephone

- Yes **1. Capital expenditures have been incurred for construction and/or medical equipment.**
 No _____ Date construction started or equipment purchased. Provide copy of AIA contract and/or purchase order.
- Yes ***2. Expenditures for this reporting period and project-to-date are included.**
 No _____ % of the total approved project amount that has been expended to date.
- Yes **3. There are changes in the final costs of the project.**
 No *If "Yes," explain in detail and provide replacement pages for the approved application.*
\$ _____ Estimated final project cost
- Yes **4. There any changes in the services or programs approved scope of the project.**
 No *If "Yes" explain in detail and provide replacement pages for the approved application.*
- Yes **5. The project contact person changed.**
 No *If "Yes," enclose a new Contact Person Correction Form (MO 580-1870).*
- *6. _____ % of the construction or installation is complete.**

% of the installation is complete.

If Items 2 and 6 are both 100% complete, signify this as the **Final Report and submit documentation of final costs.*

Description of progress to date. Clearly explain expenditures, delays, changes in project progress, or lack of progress, of the approved project (use additional pages as needed):

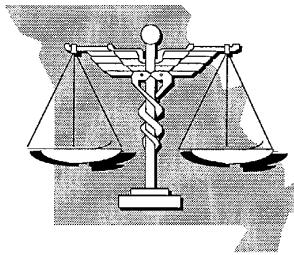
Project Budget/Expenditures		Report Period: _____ to _____		
Description		Application	This Period	Project-to-date
1. General Construction Costs				
2. Site Work				
3. Subtotal Construction Costs				
4. Architectural/Engineering Fees				
5. Fixed Equipment				
6. Movable Equipment				
7. Land Acquisition				
8. Consultants' Fees/Legal Fees				
9. Interest During Construction				
10. Other Costs				
11. Subtotal Non-construction Costs				
12. TOTAL Project Development Costs				
Square footage: New Construction				
Renovated Space				
Total Project				
Costs per square foot: New Construction				
Renovated Space				
State of _____ County of _____		}		
Comes now _____ who, first being sworn, verifies that the foregoing expenditures constitute a full and complete accounting of the expenditures for this project.				
_____ (Authorized Contact Person Signature)**				
Subscribed and sworn before me, a Notary Public, on this _____ day of _____, 19 _____. (Seal) _____ (Signature of Notary Public) _____ My commission expires _____				



Certificate of Need Program
**Expenditure Minimums
 Applicability Test**
(to be completed by the CONP Staff)

CON Finding	
Project Number	
<input type="checkbox"/> File Application/Fee <input type="checkbox"/> Review Process Complete	

STATUTORY REFERENCES	\$600,000 capital* §197.305(7)(a)	\$400,000 equipment §197.305(7)(a)	No exp. min. §197.305(7)(a) and(b)	\$1,000,000 capital* §197.305(7)(c)	\$1,000,000 equipment §197.305(7)(c)	\$150,000 (amount stated)	COMMENTS
§197.305(10)(a)	Beds in RCF/ ICF/SNF (after 1/1/2003)			Hospital/ ASC/Dialysis/ RCF/ICF/SNF			
§197.305(10)(b)	Beds in RCF/ ICF/SNF/ LTC Hosp. Part (after 1/1/2003)	RCF/ICF/SNF	Beds or Eqpt. in LTC Hospital (all beds until 12/31/99)	Hospital/ ASC/Dialysis/ RCF/ICF/SNF	Eqpt. in Hosp/ASC/ Dialysis		
§197.305(10)(c)	Beds in RCF/ ICF/SNF/ LTC Hosp. Part (after 1/1/2003)	RCF/ICF/SNF		Hospital/ ASC/Dialysis (incl. LTC Hosp.)/ RCF/ICF/SNF			
§197.305(10)(d)						LTC Hospital Res. Care Fac. Nursing Home Hosp./ASC/Dlys	
§197.305(10)(e)			RCF, Nursing Home & Hosp. ICF/SNF Beds				
§197.305(10)(f)				Any New Service in Health Care Facilities			
§197.305(10)(g)			RCF, Nursing Home & Hosp. ICF/SNF Beds				
Rules ref'd. in 19 CSR 60-50.400 (4)(F)	6,9	4	5,6,8,9	1,2	3	7	



Certificate of Need Program
**Exemptions and Exceptions
 Applicability Test**

(to be completed by the CONP staff)

CON Finding	
Project Number	
<input type="checkbox"/> File Application/Fee <input type="checkbox"/> Review Process Complete	

STATUTORY REFERENCES	501(c)(3) Org.	Religious Org.	Public Funds	Number of Beds	Type of Beds	Location	COMMENTS
Exemptions:							
§197.305(7)	operated	operated	purchase operations	≤100	RCF I or II		
§197.312 (beg.)					RCF I or II	prev. owned/operated, City of St. Louis	
§197.314(1)				60	RCF I or II, ICF, or SNF	TIF district with a SNF	
§197.314(2)	owned/operated	owned/operated		up to 20	SNF	Either of 2 SNFs within a CCRC	
Exceptions:							
§197.305.10(e)				10% up to 10 Beds additional	Hospital		
§197.305.10(g)				10% up to 10 Beds reallocation*	Hospital		

MO 580-2158 (09-99)

**Beds may be increased by whole numbers only (parts of beds are disregarded so as not to exceed 10% of licensed bed capacity or 10 beds, whichever is less); such bed increases may only be done once during a two-year period, and must remain within the same licensure category.*

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee rescinds a rule as follows:

19 CSR 60-50.410 Letter of Intent Package is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1926). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee adopts a rule as follows:

19 CSR 60-50.410 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1926–1931). Changes have been made in the text of the proposed rule, so those sections are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on September 3, 1999, at 10:00 a.m. at the offices of the Certificate of Need Program, 915G Leslie Boulevard, Jefferson City, Missouri. Oral and written comments were received during the comment period.

COMMENT: Subsection (1)(F) requires reams of information from health care facilities intending to expand or relocate under section 197.318.8 when such information has no relation whatsoever to the procedural or substantive requirements for expansion.

RESPONSE: The committee disagrees. The information requirements for an abbreviated CON application should be no more than 20 to 25 pages (it should be noted that a ream contains 500 sheets of paper). No change was made to the proposed rule as a result of this comment.

COMMENT: Modify subsection (2)(A) to add “—applicants should use the Proposed Expenditures Worksheet (Form 580-2375) as an aid in completing the Proposed Expenditures form.”

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

COMMENT: Modify section (7) to delete “both the applicant and” since the revised Letter of Intent form requires only one signature now.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

COMMENT: Form MO 580-2156 does not separate “capital” costs from “medical equipment” costs relative to the “Total Project Development Costs,” and these two costs should be separated to recognize the fact that there are two separate expenditure minimums in the statute.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and added a Proposed Expenditure Worksheet as a supplement to the Proposed Expenditure form.

COMMENT: On form MO 580-1860, change “section 197.305(10)” to “section 197.305(6)” for the first checkbox, and change “section 197.305(8)” to “section 197.305(7)” and add “section 197.305(10)” and “section 197.314” for the second checkbox.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

19 CSR 60-50.410 Letter of Intent Package

(1) The Letter of Intent (LOI) (Form MO 580-1860) shall be completed as follows:

(A) Project title and location—sufficient information to identify the intended service, such as construction, renovation, new or replacement equipment, and address or plat map identifying a specific site rather than a general area (county designation alone is not sufficient);

(B) Applicant identification—the full legal name of all owner(s) and operator(s) which compose the applicant(s) who, singly or jointly, propose to develop, offer, lease or operate a new institutional health service within Missouri; provide the corporate entity, not individual names, of the corporate board of directors or the facility administrator;

(C) Applicability—the applicant indicates the reason for the review;

(D) Estimated project cost—total estimated project cost—not required for long-term care (LTC) bed expansions pursuant to section 197.318.8(1), RSMo;

(E) Authorized contact person identification—the full name, title, address (including association), telephone number, and fax number; and

(F) Project description—information which provides details of the number of beds to be added, deleted, or replaced, square footage of new construction and/or renovation, services affected and equipment to be acquired. If replacement project, information which provides details of the facilities or equipment to be replaced, including name, location, distance from the current site, and its final disposition.

(2) If an applicability test is sought, applicants shall submit the following additional information:

(A) Proposed expenditures (Form MO 580-2156) including information which details all methods and assumptions used to estimate project costs—applicants should use the Proposed Expenditures Worksheet (Form MO 580-2375) as an aid in completing the Proposed Expenditures form;

(B) Schematic drawings; and

(C) In addition to the above information, for exceptions or exemptions, a copy of the current facility license and documentation of other provisions in compliance with the Certificate of Need (CON) statute, as described in sections (3) through (6) below of this rule.

(7) The LOI must have an original signature (in blue ink) for the contact person; therefore, faxed forms are not acceptable.

(8) Special forms are furnished by the Certificate of Need Program and incorporated into this rule by reference as follows:

- (A) Form MO 580-1860;
- (B) Form MO 580-2156; and
- (C) Form MO 580-2375.



Certificate of Need Program

LETTER OF INTENT

Project and Applicant Information *(this form must be included in the application, see note at end of next page)*1. Project Title and Location *(attach additional pages as necessary to identify multiple project sites.)*

Title of Proposed Project		County
Project Address (Street/City/State/Zip Code or plat map, if no address)		Legislative District Number:
		Senate
		House

2. Applicant Identification *(attach additional pages as necessary to list all owners and operators)*

List All Owner(s): <i>(list corporate entity)</i>	Address (Street/City/State/Zip Code)	Telephone Number
List All Operator(s): <i>(list entity to be licensed or certified)</i>	Address (Street/City/State/Zip Code)	Telephone Number

3. Applicability *(in accordance with §197.315 RSMo. any new institutional health service requires a CON before being offered or developed)**(indicate the reason[s] for review or the exception/exemption sought)*

- If proposed expenditures are less than the minimums in §197.305(6), then attach a Proposed Expenditures form and all necessary supporting documentation to illustrate how those amounts were determined, such as schematic drawings and equipment quotes.
- If the proposal meets one of the exemptions in §197.305(7), §197.305(10), §197.312, or §197.314, then attach detailed documentation substantiating compliance with the statutory provisions.
- If proposed expenditures are required solely to solve the "Year 2000 Compliance Problem" for computers as part of or related to medical equipment in §197.300(9)(E).
- If the proposal does not qualify for an exemption or an exception listed above, complete only this form as the first step in the application process.
- If LTC bed expansion is sought pursuant to §197.318.8(1), complete this form (cost info not required).
- If LTC bed replacement is sought pursuant to §197.318.8(4), §197.318.9 or §197.318.10, complete this form.

4. Proposed Project Costs Capital: \$ _____ Equipment: \$ _____ Total: \$ _____

5. Authorized Contact Person Identification *(only one per project, regardless of number of owners/operators)*

Name of Contact Person	Title
Contact Person Address (Company/Street/City/State/Zip Code)	
Signature of Contact Person <i>(in blue ink)</i>	Date of Signature
	Telephone Number
	Fax Number

6. Project Description

(Information should be brief but sufficient to understand scope of project)

Project description to include number of beds to be added, deleted or replaced, square footage of new construction and/or renovation, services affected and equipment to be acquired. If this is a replacement proposal, provide details concerning the facilities or equipment to be replaced to include their name, location, distance from the proposal and their final disposition:

NOTE: Because an application must be preceded by a Letter of Intent that accurately describes the project, a filing that does not substantially conform with the Letter of Intent shall not be considered an application.



Certificate of Need Program

PROPOSED EXPENDITURES

<u>Description</u>	<u>Dollars</u>
<i>(fill in every line even if the amount is "0")</i>	
COSTS:*	
1. New Construction Costs **	\$ _____
2. Renovation Costs **	_____
3. Subtotal Construction Costs (#1 plus #2)	_____
4. Architectural/Engineering Fees**	_____
5. Fixed Equipment (not in construction contract)	_____
6. Movable Equipment	_____
7. Land Acquisition Costs**	_____
8. Consultants' Fees/Legal Fees**	_____
9. Interest During Construction (net of interest earned) **	_____
10. Other Costs***	_____
11. Subtotal Non-construction Costs (sum of #4 thru #10)	_____
12. Total Project Development Costs (#3 plus #11)	\$ _____

We certify the information and data provided as accurate to the best of our knowledge and belief by our representative's signature below:

State of _____
County of _____

Comes now _____ who, first being sworn, verifies that the foregoing expenditures constitute a full and complete accounting of the expenditures for this project.

(Applicant's Authorized Designee Signature)****

Subscribed and sworn before me, a Notary Public, on this _____ day of _____, 19 ____.

(Seal)

(Signature of Notary Public)

My commission expires _____

* Attach additional page(s) to provide details of how each line item was determined, including all methods and assumptions used.

** Capitalizable items to be recognized as capital expenditures after project completion.

*** Include as other costs of financing; the value of existing lands, buildings and equipment not previously used for health care services, such as a renovated house converted to residential care or a tractor trailer used for a mobile unit, determined by original cost, current book value, or appraised value; or the fair market value of any leased equipment or building.

**** Original signature is required on this form (in blue ink).



Certificate of Need Program

PROPOSED EXPENDITURES WORKSHEET*

CAPITAL COSTS:

Dollars

(fill in every line even if the amount is "0")

Description

- | | |
|----------------------------------------------------------|-----------------|
| 1. New Construction Costs | \$ _____ |
| 2. Renovation Costs | _____ |
| 3. Architectural/Engineering Fees | _____ |
| 4. Equipment (not in construction contract) | _____ |
| 5. Land Acquisition Costs | _____ |
| 6. Consultants' Fees/Legal Fees | _____ |
| 7. Interest During Construction (net of interest earned) | _____ |
| 8. Other Costs | _____ |
| 9. Total Capital Costs (sum of #1 thru # 8) | \$ _____ |

MEDICAL EQUIPMENT COSTS:

Dollars

(fill in every line even if the amount is "0")

Description

- | | |
|----------------------------------------------------------------|-----------------|
| 10. Equipment (fixed and movable) | \$ _____ |
| 11. Shielding (if not included in equipment bid quote) | _____ |
| 12. Shipping (if not included in equipment bid quote) | _____ |
| 13. Installation (if not included in equipment bid quote) | _____ |
| 14. Start-up Supplies | _____ |
| 15. Tractor and Trailer (if a mobile unit) | _____ |
| 16. Taxes (including sales and special use taxes) | _____ |
| 17. Other | _____ |
| 18. Total Medical Equipment Costs (sum of #10 thru #17) | \$ _____ |

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee rescinds a rule as follows:

19 CSR 60-50.420 Application Process is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1932). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee adopts a rule as follows:

19 CSR 60-50.420 Application Process is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1932–1933). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on September 3, 1999, at 10:00 a.m. at the offices of the Certificate of Need Program, 915G Leslie Boulevard, Jefferson City, Missouri. Oral and written comments were received during the comment period.

COMMENT: In section (2), clearly articulate the types of inconsistencies between the LOI and the CON application in order to more clearly establish an objective set of expectations for the purpose of complying with the application process and reducing the overall administrative burden and associated costs of all parties involved.

RESPONSE: The committee disagrees. The word “including” implies that which follows are meant as examples of inconsistencies between the LOI and the CON application, but are not limited to these examples. It is not necessary to list all possible variations. No change was made to the proposed rule as a result of this comment.

COMMENT: In section (10), clearly articulate those items that can be considered by the Committee in order to allow the applicant to consider and provide information relevant to the Committee’s review.

RESPONSE: The committee disagrees. The phrase “including, but not limited to” is self-explanatory and implies that which follows are meant as examples of inconsistencies between the LOI

and the CON application, but are not limited to these examples. It is not necessary to list all possible variations. No change was made to the proposed rule as a result of this comment.

COMMENT: Section (1) requires that the CON application for a LTC bed expansion be submitted at least 41 days before the Committee’s meeting. There is no need, or authority, for requiring that a LTC facility submit its CON application for LTC bed expansions at least 41 days before the Committee’s meeting.

RESPONSE: The committee disagrees. Sufficient time must be allowed the public to examine the proposal, for a public hearing to be called, and for the CONP staff to analyze the information and prepare an analysis. No change was made to the proposed rule as a result of this comment.

COMMENT: In section (10), there is no statutory authority for the Committee to review CON applications submitted under section 197.318.8(1) according to “other factors” the Committee may consider.

RESPONSE: The committee disagrees. This section was not part of the Rules that were revised to implement SB 326, but the Committee has historically considered other factors pursuant to section 197.318.2, which states: “The Missouri health facilities review committee may for any facility certified to it by the department consider the predominant ethnic or religious composition of the residents to be served by that facility in considering whether to grant a certificate of need.” However, it is not anticipated that this would necessarily apply to LTC facilities proposing to expand pursuant to section 197.318(1). The Legislature established this Committee because it wanted actions to be based on reasonable consideration and factual data in a public arena. No change was made to the proposed rule as a result of this comment.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee rescinds a rule as follows:

19 CSR 60-50.430 Application Package is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1933). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee adopts a rule as follows:

19 CSR 60-50.430 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1933-1946). Changes have been made in the text of the proposed rule, so those sections are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on September 3, 1999, at 10:00 a.m. at the offices of the Certificate of Need Program, 915G Leslie Boulevard, Jefferson City, Missouri. Oral and written comments were received during the comment period.

COMMENT: In subsection (2)(A)7., information to be provided for LTC bed expansions and replacements should be limited to all information in Divider I, a copy of the facility's current license specified in Divider II, and forms MO 580-2351 and MO 580-1876.

RESPONSE: The committee disagrees. The statute says the committee "shall issue a certificate of need" for LTC bed expansions and replacements; therefore, an application is required to obtain a CON. The CONP staff developed and the committee approved an abbreviated application and review process for these types of applications. The information requirements in the abbreviated application are not burdensome, but represent the minimum information requirements to comply with the statutory provisions. No change was made to the proposed rule as a result of this comment.

COMMENT: At the beginning of subsection (2)(D), add the phrase, "Except for facilities qualifying for bed expansion under section 197.318.8."

RESPONSE: The committee disagrees. Paragraph (2)(A)7. says "For LTC bed expansions and replacements pursuant to sections 197.318 through 197.318.10, RSMo, answer only those marked with an '***'" so there is no need to repeat it in subsection (D) which describes the information requirements for "full" CON applications. No change was made to the proposed rule as a result of this comment.

COMMENT: At the beginning of sections (4) through (11), add the phrase, "Except for facilities qualifying for bed expansion under section 197.318.8."

RESPONSE: The committee disagrees. Paragraph (2)(A)7. says "For LTC bed expansions and replacements pursuant to sections 197.318 through 197.318.10, RSMo, answer only those marked with an '***'" so there is no need to repeat it in subsections (4) through (11). No change was made to the proposed rule as a result of this comment.

COMMENT: Subsection (2)(A) provides that the CON application package must include the CON Applicant's Completeness Check List and Table of Contents, and this form is listed as MO 580-159. There is no such form with this designation.

RESPONSE: The committee disagrees. Page 1933 of the *Missouri Register* designates form MO 580-2159 as the CON Applicant's Completeness Check List and Table of Contents form. Perhaps the commenter misread this page. No change was made to the proposed rule as a result of this comment.

COMMENT: Subsection (4)(D)2.D. requires the CON application package to "estimate, to the nearest ten percent (10%), the portion of the zip code area that is within the 15-mile radius by 'eyeballing' the portion of the area within the radius," but does not entail what "eyeballing" entails. This subsection needs to be rewritten.

RESPONSE: The committee disagrees. This subsection was not part of the Rules that were revised to implement SB 326, but "eyeballing" entails estimating, to the nearest ten percent (10%), the

portion of the zip code area that is within the 15-mile radius. This was previously updated to this language as a result of judicial review. No change was made to the proposed rule as a result of this comment.

COMMENT: Section (11) requires facilities intending to expand their services, including facilities expanding under section 197.318.8, to document that consumers within the service area are acquainted with the major components of the proposal and have been provided an opportunity to comment on the proposed project. This rule is too vague and too subjective for facilities to comply with it.

RESPONSE: The committee disagrees. This subsection was not part of the rules that were revised to implement SB 326, but a simple letter sent to the providers in the area or a copy of a public notice published in the newspaper has previously satisfied this requirement. Neither method is unduly burdensome. The statute provides that affected parties in the applicant's 15-mile radius have a right to comment on the applicant's proposal. No change was made to the proposed rule as a result of this comment.

COMMENT: Modify subsection (2)(A)7 to change "answer" to "address" and add the word "item" after the word "those."

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

COMMENT: On form MO 580-2159, change the reference from "MO 580-1875" to "MO 580-2351" and change the reference from "MO 580-1876" to "MO 580-2352."

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

COMMENT: On form MO 580-2159, add a "****" before "Exception if replacement."

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

19 CSR 60-50.430 Application Package

(2) A written application package consisting of an original and eleven (11) bound copies (comb or three-ring binder) shall be prepared and organized as follows:

(A) The CON Applicant's Completeness Check List and Table of Contents (Form MO 580-2159) should be used as follows:

1. Include at the front of the application;
2. Check the appropriate "done" boxes to assure completeness of the application;
3. Number all pages of the application sequentially and indicate the page numbers in the appropriate blanks;
4. Check the appropriate "n/a" box if an item in the review criteria is "not applicable" to the proposal;
5. Restate (preferably in bold type) and answer any item in the review criteria that is not checked "n/a";
6. Ignore any item in the review criteria that is checked "n/a"; and
7. For LTC bed expansions and replacements pursuant to sections 197.318.8 through 197.318.10, RSMo, address only those items marked with an "****";

(B) The application should be formatted into five (5) dividers using the following outline (except LTC bed expansions and replacements, which use parts of Dividers I, II, and III):

1. Divider I. Application Summary;
2. Divider II. Proposal Description;
3. Divider III. Service-Specific Criteria and Standards;
4. Divider IV. Financial Feasibility; and
5. Divider V. Alternatives;

(C) Support information should be included at the end of each divider section to which it pertains, and should be referenced in

(D) The application package should document the need or meet the additional information requirements in 19 CSR 60-50.450(4)-(6) for the proposal by addressing the applicable Service-Specific Criteria and Standards using the guidelines in 19 CSR 60-50.310 and standards in 19 CSR 60-50.440 through 19 CSR 60-50.460 plus providing additional documentation to substantiate why any proposed alternative Criteria and Standards should be used.



Certificate of Need Program

LETTER OF INTENT

Project and Applicant Information *(this form must be included in the application, see note at end of next page)*

1. Project Title and Location *(attach additional pages as necessary to identify multiple project sites.)*

Title of Proposed Project		County
Project Address (Street/City/State/Zip Code or plat map, if no address)		Legislative District Number:
		Senate
		House

2. Applicant Identification *(attach additional pages as necessary to list all owners and operators)*

List All Owner(s): <i>(list corporate entity)</i>	Address (Street/City/State/Zip Code)	Telephone Number
List All Operator(s): <i>(list entity to be licensed or certified)</i>	Address (Street/City/State/Zip Code)	Telephone Number

3. Applicability *(In accordance with §197.315 RSMo. any new institutional health service requires a CON before being offered or developed)*

(indicate the reason[s] for review or the exception/exemption sought)

- If proposed expenditures are less than the minimums in §197.305(6), then attach a Proposed Expenditures form and all necessary supporting documentation to illustrate how those amounts were determined, such as schematic drawings and equipment quotes.
- If the proposal meets one of the exemptions in §197.305(7), §197.305(10), §197.312, or §197.314, then attach detailed documentation substantiating compliance with the statutory provisions.
- If proposed expenditures are required solely to solve the "Year 2000 Compliance Problem" for computers as part of or related to medical equipment in §197.300(9)(E).
- If the proposal does not qualify for an exemption or an exception listed above, complete only this form as the first step in the application process.
- If LTC bed expansion is sought pursuant to §197.318.8(1), complete this form (cost info not required).
- If LTC bed replacement is sought pursuant to §197.318.8(4), §197.318.9 or §197.318.10, complete this form.

4. Proposed Project Costs Capital: \$ _____ Equipment: \$ _____ Total: \$ _____

5. Authorized Contact Person Identification *(only one per project, regardless of number of owners/operators)*

Name of Contact Person	Title		
Contact Person Address (Company/Street/City/State/Zip Code)			
Signature of Contact Person <i>(in blue ink)</i>	Date of Signature	Telephone Number	Fax Number

6. Project Description*(Information should be brief but sufficient to understand scope of project)*

Project description to include number of beds to be added, deleted or replaced, square footage of new construction and/or renovation, services affected and equipment to be acquired. If this is a replacement proposal, provide details concerning the facilities or equipment to be replaced to include their name, location, distance from the proposal and their final disposition:

NOTE: Because an application must be preceded by a Letter of Intent that accurately describes the project, a filing that does not substantially conform with the Letter of Intent shall not be considered an application.

CON Applicant's Completeness Check List and Table of Contents

Project Name _____ Project No. _____ Project Amount _____

Project Description _____

done page n/a Description of CON Rulebook Contents

done page n/a Description of CON Rulebook Contents

Divider I. Application Summary:

- ** _____ Copy of the Letter of Intent (Form MO 580-1860)
- ** _____ Applicant Identification (Form MO 580-1861)
- ** _____ Representative Registration (Form MO 580-1869)
- ** _____ Application Abstract & Certification (Form MO 580-1862)
- ** _____ Proposed Project Budget (Form MO 580-1863)

Divider II. Proposal Description:

- ** _____ Complete detailed description
- ** _____ Institutional services or programs affected

Legal aspects and management arrangement:

- ** _____ Current state or local facility license, or Certificate of Corporate Good Standing to document ability to do business in Missouri
- _____ Current or proposed operating lease
- _____ Signed copy of the management contract
- ** _____ Diagram and identify corporate organization

Developmental details:

- _____ Legible city and county map
- ** _____ Preliminary schematics (before and after)
- _____ Evidence of submission of architectural plans to DA engineer or DOH architect
- ** _____ Existing and proposed gross square footage
- ** _____ Document ownership of the project site, or provide signed option to purchase or lease
- _____ Document topographical suitability for the project
- _____ Zoning requirements can be met
- _____ Itemized list of major and other medical equipment including costs and vendor quotes

Define the community to be served:

- _____ Year 2000 population projections
- _____ Staff-verified population and other statistics
- _____ Other statistics for "alternate service area"

Other community need justifications:

- _____ Specific community problems or unmet needs
- _____ Historical three-year utilization
- _____ Projected three-year utilization
- _____ Alternative methodology description
- _____ Current/future number of beds by medical specialty
- _____ Other providers within a fifteen (15)-mile radius
- ** _____ Evidence of notification

Divider III. Service-Specific Criteria and Standards:

New and additional units/population standard:

- _____ Unmet Need = $(S \times P) - U$

Hospital and freestanding health services proposed:

- _____ Magnetic resonance imaging unit
- _____ Positron emission tomography unit
- _____ Lithotripsy unit
- _____ Radiation therapy unit
- _____ Adult or pediatric cardiac catheterization lab
- _____ Adult or pediatric open heart surgery rooms
- _____ All other operating rooms
- _____ Gamma knife
- _____ Hemodialysis
- _____ Excimer laser
- _____ Medical/surgical bed
- _____ Pediatric bed
- _____ Psychiatric bed
- _____ Substance abuse/chemical dependency bed
- _____ Inpatient rehabilitation bed
- _____ Obstetric bed

New units or services utilization standard:

- _____ Same services as listed above
- _____ Radiation therapy services
- _____ Hemodialysis services

<u>done</u>	<u>page</u>	<u>n/a</u>	<u>Description of CON Rulebook Contents</u>	<u>done</u>	<u>page</u>	<u>n/a</u>	<u>Description of CON Rulebook Contents</u>
			Alternate service area and alternate methodologies: <input type="checkbox"/> Substitute values for population-based need formula				New hosp./nrsg. hm. RS Means Constr. Cost Data
			Add'l units or services optimal utilization standard: <input type="checkbox"/> Same services as listed above				Construction/renovation costs per sq. ft. for facilities other than hospitals
			Additional MRI/PET units or services: <input type="checkbox"/> Sub-optimal utilization				Major and other medical equipment bid quotes, purchase orders, or catalog prices
			<input type="checkbox"/> List of questions for justification				Document financing available:
			Replacement units or services: <input type="checkbox"/> List of questions for facilities and equipment				Total amount and interest rate of any loan or bond issue
			<input type="checkbox"/> List of questions for beds (not in a long term facility)				Letter of willingness to finance
			Long-term care: <input type="checkbox"/> Exception if occupancy exceeds 90%				Date the funds available
			<input type="checkbox"/> Population-based bed need methodology				Debt service schedule
			<input type="checkbox"/> Exception if replacement				Special provisions
			<input type="checkbox"/> Exception if expansion				Copy of proposed lease
**			<input type="checkbox"/> LTC Facility Expansion Certificate (Form MO 580-2351)				Document fund-raising reliability/availability
**			<input type="checkbox"/> Purchase Agreement (Form MO 580-2352)				Credit worthiness of related organizations
**			<input type="checkbox"/> Exception if exclusively AIDS				Detail selection/cost-effectiveness of finance plan
**			<input type="checkbox"/> Exception if 95% residents require kosher diets				Document financial feasibility:
			Other health services: <input type="checkbox"/> Local, state or federal code requirements				Institution's Income Statement (Form MO 580-1864)
			<input type="checkbox"/> Licensure, certification or accreditation requirements				Specific Revenues and Expenses (Form MO 580-1865*)
			<input type="checkbox"/> Operational efficiencies				Detailed Institutional Cash Flow (Form MO 580-1866)
			<input type="checkbox"/> Methodologies used for determining need				Methods and assumptions used for projections
			<input type="checkbox"/> Rationale for reallocation of space and functions				Audited financial statements or IRS 990 form
			Emerging technology: <input type="checkbox"/> Description of medical effects				Reimbrsmt. Sources for Latest Year (Form MO 580-1867)
			<input type="checkbox"/> Objectives of technology				Depreciation Schedule (Form MO 580-1868)
			<input type="checkbox"/> Side effects, contraindications, environ. exposures				Affordable to the population:
			<input type="checkbox"/> Relationships to prev., diag., therap., mgmt. svcs.				Impact on current patient charges
			<input type="checkbox"/> FDA approval				Proposed compared to current patient charges
							Adequate reimbursement structures
							Responsive to medically indigent
							Show net benefit to specific geographic service area
							Divider V. Alternatives:
							<input type="checkbox"/> Alternatives considered and cost estimate for each
							<input type="checkbox"/> Processes followed in reviewing and selecting proposal
							<input type="checkbox"/> Demonstrate cost-effectiveness of proposal
			Divider IV. Financial Feasibility:				
			Proposed Project Budget (Form MO 580-1863):				
			<input type="checkbox"/> Detail how each line item was determined including methods & assumptions, total costs /bed & /sq. ft.				

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee rescinds a rule as follows:

19 CSR 60-50.450 Criteria and Standards for Long-Term Care is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1947). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee under section 197.320, RSMo Supp. 1999, the committee adopts a rule as follows:

19 CSR 60-50.450 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 2, 1999 (24 MoReg 1947–1949). Changes have been made in the text of the proposed rule, so those sections are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on September 3, 1999, at 10:00 a.m. at the offices of the Certificate of Need Program, 915G Leslie Boulevard, Jefferson City, Missouri. Oral and written comments were received during the comment period.

COMMENT: In order to clarify owners and operators of long-term care replacement facilities, amend subsection (3)(C) to add “The existing facility’s beds shall be replaced at only one (1) site. The existing facility and proposed facility shall have the same owner(s), regardless of corporate or business structure, and the owner(s) shall stipulate that the existing beds to be replaced shall not be later used for long-term care; or if the holder of the license to operate the existing facility is a lessee of the owner of the structure in which the facility is located then both the lessee and the owner of the existing facility shall stipulate that the facility being replaced shall not be later used for long-term care.”

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees. The change was made by adding three points in the outline format using the statutory language.

COMMENT: Amend subsection (4)(A) to clarify that the CON granted for a LTC bed expansion to a purchasing facility would be conditional upon the selling facility’s surrender of its beds and proof of relicensure of the selling facility.

RESPONSE: The committee disagrees. The statute clearly states that a CON be issued after the beds are closed. No change was made to the proposed rule as a result of this comment.

COMMENT: Section (7) as written could be interpreted to require a full CON process after the completion of the aging-in-place and Alzheimer’s demonstration projects. An unintended consequence of such an interpretation could cause a facility to be built and then not meet necessary occupancy requirements and community based criteria to be issued a full CON.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made in section (7).

COMMENT: In subsections (1) through (6), restore and retain the term “moratorium” in place of the newly created term “minimum occupancy requirement (MOR)” so as not to be misleading, and amend sections in the regulations in need of revision resulting from statutory changes made by SB 326 to chapter 197.

RESPONSE: The committee disagrees. The Certificate of Need Technical Advisory Council (CONTAC) agreed that with so many exceptions, the term “moratorium” no longer applied since the term implies “no new beds.” The CONTAC voted to recommend the new term “minimum occupancy requirement” to more accurately reflect the various occupancy requirements delineated in SB 326, and the Committee adopted the recommendation. No change was made to the proposed rule as a result of this comment.

COMMENT: In subsections (2)(A) and (B), revise the figures in the population bed need formulae to reflect the nationally derived averages.

RESPONSE: The Certificate of Need Program staff recommended revising the formulae, but the CONTAC voted to retain the formulae as written until further definitive research could produce better projections. No change was made to the proposed rule as a result of this comment.

COMMENT: Change section (3) to read “Facilities licensed under Chapter 198 shall be granted a CON with abbreviated information requirements and review time frames if an applicant proposes....”

RESPONSE: The committee disagrees. While projects to replace LTC facilities may have an exception to the “minimum occupancy requirements,” they are not exempted from the review process. The Division of Aging will not license a replacement facility without a CON. No change was made to the proposed rule as a result of this comment.

COMMENT: Replace the first sentence of section (4) with, “Facilities licensed under chapter 198 qualifying for a LTC bed expansion under section 197.318.8 shall be granted a CON with abbreviated information requirements and review time frames, and shall also submit the following information:”

RESPONSE: The committee disagrees. While projects to expand LTC facilities through purchase of beds are not exempted from the review process, the Division of Aging will not license a replacement facility without a CON. No change was made to the proposed rule as a result of this comment.

COMMENT: Change section (5) to read, “Facilities designed and operated exclusively for persons with acquired human immunodeficiency syndrome (AIDS) shall be granted a CON, and their application filing fee waived.”

RESPONSE: The committee disagrees. While projects to provide care for persons with AIDS in LTC facilities may have an exception to the “minimum occupancy requirements,” they are not exempted from the review process, and nothing in the statute prevents the Committee from denying such a proposal. The Division of Aging will not license an AIDS facility without a CON. No change was made to the proposed rule as a result of this comment.

COMMENT: Change section (6) to read, "LTC facilities where at least 95% of the residents require kosher diets shall be granted a CON."

RESPONSE: The committee disagrees. While projects to provide care for persons requiring kosher diets may have an exception to the "minimum occupancy requirements" they are not exempted from the review process, and nothing in the statute prevents the Committee from denying such a proposal. The Division of Aging will not license a kosher facility without a CON. No change was made to the proposed rule as a result of this comment.

COMMENT: Replace section (7) with "Aging-in-place and Alzheimer's demonstration projects pursuant to Chapter 198 approved for operation by the DA and licensed under Chapter 198 shall be granted a CON."

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made by deleting a sentence, and adding a sentence.

COMMENT: In section (6), add the phrase "pursuant to Section 197.318.5, RSMo" at the end of the sentence.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

COMMENT: On form MO-580-2352, add another signature line so that both the owner(s) and the operator(s) can sign.

RESPONSE AND EXPLANATION OF CHANGE: The committee agrees, and the change was made.

19 CSR 60-50.450 Criteria and Standards for Long-Term Care

(3) Replacement Chapter 198 beds qualify for an exception to the LTC bed MOR plus abbreviated information requirements and review time frames if an applicant proposes to—

(A) Relocate RCF beds within a six (6)-mile radius pursuant to section 197.318.8(4), RSMo;

(B) Replace one-half of its licensed beds within a thirty (30)-mile radius pursuant to section 197.318.9, RSMo; or

(C) Replace a facility in its entirety within a fifteen (15)-mile radius pursuant to section 197.318.10, RSMo, under the following conditions:

1. The existing facility's beds shall be replaced at only one (1) site;

2. The existing facility and the proposed facility shall have the same owner(s), regardless of corporate structure; and

3. The owner(s) shall stipulate in writing that the existing facility's beds to be replaced will not be used later to provide long-term care services; or if the facility is operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

(6) An exception to the LTC bed MOR will be recognized for a proposed LTC facility where at least ninety-five percent (95%) of the patients require kosher diets pursuant to section 197.318.5, RSMo.

(7) Any newly-licensed Chapter 198 facility established as a result of the Alzheimer's and dementia demonstration projects pursuant to Chapter 198, RSMo, or aging-in-place pilot projects pursuant to Chapter 198, RSMo, as implemented by the DA, may be licensed by the DA until the completion of each project. If a demonstration or pilot project receives a successful evaluation from the DA and a qualified Missouri school or university, and meets the DA standards for licensure, this will ensure continued licensure without a new CON.

(8) A special form is furnished by the Certificate of Need Program and incorporated into this rule by reference as Form MO 580-2352.



PURCHASE AGREEMENT

Part I: Purchasing Facility Information

Name of Facility: _____

Address (no PO Box): _____

City, State, Zip, County: _____

Number/Type Licensed Beds: _____ RCF ICF/SNF (circle RCF for residential care facility or ICF/SNF for intermediate care and skilled nursing facility)

Owner(s): _____

Operator(s): _____

Part II: Selling Facility Information

Name of Facility: _____

Address (no PO Box): _____

City, State, Zip, County: _____

Number/Type Licensed Beds: _____ RCF ICF/SNF (circle RCF for residential care facility or ICF/SNF for intermediate care and skilled nursing facility)

Owner(s): _____

Operator(s): _____

Part III: Value of Consideration

Monetary Value of Purchase: \$ _____ No./Type Beds: _____

Terms of Purchase: _____
(add more pages as necessary to describe the sale)

Part IV: Certification of Information

Yes No The above Purchaser and Seller have agreed to these purchase terms.

Purchaser Signature: _____

Title/Date: _____

Seller(s) Signature(s): Owner(s): _____

Operators(s): _____

Title/Date: _____

As defined in section 536.026, RSMo Supp. 1998 "an agency may solicit comments from the public on the subject matter of a rule that the agency is considering proposing. The agency may file a notice of the rule under consideration as a proposed rulemaking with the secretary of state for publication in the *Missouri Register* as soon as practicable after the filing thereof in the secretary's office. The notice may contain the number and the subject matter of the rule as well as a statement indicating where, when, and how persons may comment."

This section complies with this statutory requirement to publish rules being considered for proposal by an agency. These rules carry none of the weight of a proposed rule or amendment. Publishing a rule under consideration places no obligation on the agency to promulgate an actual rule in the future. Rules under consideration are reproduced in the format provided by the agency and are not subject to the secretary of state's formatting requirements.

Following is the Text of Rules Under Consideration Submitted by the Department of Mental Health

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

Introduction to Rules Under Consideration

The Department of Mental Health wants to simplify its certification standards for psychiatric and substance abuse programs. Currently the department has 6 different and distinct sets of certification standards for these programs. Historically, a different set of standards has been developed as a major new type of program has been established. There are now distinct sets of standards for Alcohol and Drug Abuse Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Centers (CPRC), and Psychiatric Outpatient Programs.

The department has noted an increasing trend in recent years for organizations to operate multiple types of programs. Currently some organizations operate all five of these programs. The different, and sometimes conflicting, sets of standards create undue complexity and confusion.

The department wants to establish a common set of "core rules" that would apply to programs seeking certification in order to—

- Consolidate and streamline rules
- Simplify the certification process for those organizations which offer multiple types of psychiatric and/or substance abuse programs
- Avoid duplication in the department's certification survey activities

The department convened an 18 member advisory group to develop these Rules Under Consideration. Broader input is now being sought before Proposed Rules are issued. In its work, the advisory group placed a further emphasis on—

- Identifying similarities between types of programs
- Eliminating unnecessary rules
- Accentuating client outcomes and quality improvement

The Rules Under Consideration will replace many of the department's existing rules for psychiatric and substance abuse programs. However, the Rules Under Consideration do not constitute all certification standards applicable to these programs. The department will retain existing rules applicable to particular programs/services in areas such as admission criteria, eligible providers, staffing patterns and qualifications, and service descriptions.

The purpose of the Core Rules is not to add new requirements but to consolidate similar rules applying to different programs. The department does not anticipate that the new rules will create any fiscal impact.

For informational purposes, the following table identifies how these Rules Under Consideration will apply to different types of psychiatric and substance abuse programs.

Program	Treatment Principles and Outcomes	Rights, Responsibilities & Grievances	Service Delivery Process & Documentation	Re-search	Beha-vior Mgmt	Medi-cation	Diet-ary	Gover-ning Auth-ORITY	Fiscal Mgmt.	Per-sonnel	Physical Plant and Safety	Quality Improve-ment	Proce-dures for Cert.
ADA													
CSTAR	X	X	X	X	X	X	X	X	X	X	X	X	X
Treatment	X	X	X	X	X	X	X	X	X	X	X	X	X
Prevention	O	O	O	X	O	O	O	X	X	X	O	X	X
SATOP/ REACT	O	X	O	X	X	X*	X*	X	X	X	X	⊗	X
CPS													
CPRC	X	X	X	X	X	X	X	X	X	X	X	X	X
Outpatient	X	X	X	X	X	X	X	X	X	X	X	X	X

Legend: X = Applicable

X* = Applicable (under certain or limited circumstances)

⊗ = Applicable (based on number of persons served)—

O = Not Applicable

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs**

RULE UNDER CONSIDERATION

9 CSR 10-7.010 Treatment Principles and Outcomes

PURPOSE: This rule describes treatment principles and outcomes in Alcohol and Drug Abuse Treatment Programs, Compulsive Gambling Treatment Programs, Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs. The performance indicators listed in this rule are examples of how a treatment principle can be met and do not constitute a list of specific requirements. The indicators include not only data that may be compiled by a program but also circumstances that a surveyor may observe or monitor, consumer satisfaction and feedback compiled by the department, and other data that the department may compile and distribute. A program may also use additional or other means to demonstrate achievement of these principles and outcomes.

(1) The organization's service delivery shall apply the key principles listed in this rule in a manner that is:

- (A) Adapted to the needs of different populations served;
- (B) Understood and practiced by staff in providing services and supports; and
- (C) Consistent with clinical studies and practice guidelines for achieving positive outcomes.

(2) Services shall achieve positive outcomes in the emotional, behavioral, social and family functioning of individuals. Positive outcomes shall be expected to occur in the following domains:

- (A) Assurance of safety for the individual and others in his/her environment;
- (B) Improved management of daily activities, including the management of the symptoms associated with a psychiatric and/or substance use disorder and also the reduction of distress related to these symptoms;
- (C) Improved functioning related to occupational/educational status, legal situation, social and family relationships, living arrangements, and health and wellness; and
- (D) Consumer satisfaction with services.

(3) An organization shall measure outcomes for the individuals it serves and shall collect data related to the domains listed in section (2) of this rule. In order to promote consistency and the wider applicability of outcome data, the department may require, at its option, the use of designated outcome measures and instruments. The required use of particular measures or instruments shall be applicable only to those services funded by the department or provided through a service network authorized by the department.

(4) Essential Treatment Principle—Therapeutic Alliance.

- (A) The organization shall promote initial attendance, engagement and development of an ongoing therapeutic alliance by—
 - 1. Treating people with respect and dignity;
 - 2. Enhancing motivation and self-direction through identification of meaningful goals that establish positive expectations;
 - 3. Working with other sources (such as family, guardian or courts) to promote the individual's participation;
 - 4. Addressing barriers to treatment;
 - 5. Providing consumer and family education to promote understanding of services and supports in relationship to individual functional level or symptoms and to promote understanding of individual responsibilities in the process;
 - 6. Encouraging individuals to assume an active role in developing and achieving productive goals; and
 - 7. Delivering services in a manner that is responsive to each individual's age, cultural background, gender, language and communication skills, and other factors, as indicated.

(B) Performance Indicators. The following are intended as examples of indicators that can be used by the department and the organization to demonstrate achievement of this essential treatment principle. Indicators of a therapeutic alliance can include, but are not limited to, the following:

- 1. Convenient hours of operation;
- 2. Geographic accessibility including transportation arrangements, as needed;
- 3. Rate of attendance at scheduled services;
- 4. Individuals consistently reporting that staff listen to and understand them;
- 5. Treatment drop out rate;
- 6. Rate of successfully completing treatment goals and/or the treatment episode; and
- 7. Consumer satisfaction and feedback.

(5) Essential Treatment Principle—Individualized Treatment.

(A) Services and supports shall be individualized in accordance with the needs and situation of each individual served.

(B) Performance Indicators. The following are intended as examples of indicators that can be used by the department and the organization to demonstrate achievement of this essential treatment principle. Indicators can include, but are not limited to, the following:

- 1. There is variability in the type and amount of services that individuals receive, consistent with their needs, goals and progress;
- 2. In structured and intensive levels of care, group education/counseling sessions are available to deal with special therapeutic issues applicable to some, but not all, individuals;
- 3. Services on a one-to-one basis between an individual served and a staff member (such as individual counseling and community support) are routinely available and scheduled, as needed; and

4. Individuals consistently report that program staffs are helping them to achieve their personal goals.

(6) Essential Treatment Principle—Least Restrictive Environment.

(A) Services and supports shall be provided in the most appropriate setting available, consistent with the individual's safety, protection from harm, and other designated utilization criteria.

(B) Performance Indicators. The following are intended as examples of indicators that can be used by the department and the organization to demonstrate achievement of this essential treatment principle. Indicators can include, but are not limited to, the following:

1. Utilization rate of inpatient and residential treatment;
2. Length of stay for inpatient and residential treatment;
3. Consistent use of admission/placement criteria;
4. Distribution of individuals served among levels of care;
5. Variability in the length of stay for individuals to successfully complete a level of care or treatment episode, consistent with their severity of need and treatment progress; and
6. Consumer satisfaction and feedback.

(7) Essential Treatment Principle—Service Array.

(A) A range of services shall be available to provide service options consistent with individual need.

1. The organization has a process that determines appropriate services and ensures access to the level of care appropriate for the individual.

2. Each individual shall be provided the least intensive and restrictive set of services, consistent with the individual's needs, progress, and other designated utilization criteria.

(B) Performance Indicators. The following are intended as examples of indicators that can be used by the department and the organization to demonstrate achievement of this essential treatment principle. Indicators can include, but are not limited to, the following:

1. Percentages of individuals who complete inpatient or residential treatment and receive continuing services on an outpatient basis;
2. Readmission rates to inpatient or residential treatment;
3. Number of individuals receiving detoxification who continue treatment;
4. Number of individuals who have progressed from more intensive to less intensive levels of care; and
5. Consumer satisfaction and feedback.

(8) Essential Treatment Principle—Recovery.

(A) Services shall promote the independence, responsibility, and choices of individuals.

1. An individual shall be encouraged to achieve positive social, family and occupational/educational functioning in the community to the fullest extent possible.

2. Every effort shall be made to accommodate an individual's schedule, daily activities and responsibilities when arranging services, unless otherwise warranted by factors related to safety or protection from harm.

3. Individuals shall be encouraged to accomplish tasks and goals in an independent manner without undue staff assistance.

(B) Reducing the frequency and severity of symptoms and functional limitations are important for continuing recovery.

(C) Performance Indicators. The following are intended as examples of indicators that can be used by the department and the organization to demonstrate achievement of this essential treatment principle. Indicators can include, but are not limited to, the following:

1. Measures of symptom frequency and severity;
2. Utilization rate of inpatient hospitalization and residential treatment;
3. Improved functioning related to—
 - A. Occupational/educational status;
 - B. Legal situation;
 - C. Social and family relationships;
 - D. Living arrangements; and
 - E. Health and wellness;
4. Tapering the intensity and frequency of services, consistent with individual progress; and
5. Consumer satisfaction and feedback.

(9) Essential Treatment Principle—Peer Support and Social Networks.

(A) The organization shall mobilize peer support and social networks among those individuals it serves.

1. The organization shall encourage participation in self help groups.

2. Opportunities and resources in the community are used by individuals, to the fullest extent possible.

(B) Performance Indicators. The following are intended as examples of indicators that can be used by the department and the organization to demonstrate achievement of this essential treatment principle. Indicators can include, but are not limited to, the following:

1. Rate of participation in community-based self help groups;
2. Involvement with a wide range of individuals in social activities and networks (such as church, clubs, sporting activities, etc.);
3. Open discussion of therapeutic issues in group counseling and education sessions with individuals giving constructive feedback to one another; and
4. Consumer satisfaction and feedback.

(10) Essential Treatment Principle—Family Involvement.

(A) Efforts shall be made to involve family members, whenever appropriate, in order to promote positive relationships.

1. Family ties and supports shall be encouraged in order to enrich and support recovery goals.

2. When the family situation has been marked by circumstances that may jeopardize safety (such as domestic violence, child abuse and neglect, separation and divorce, or financial and legal difficulties), family members shall be encouraged to participate in education and counseling sessions to better understand these effects and to reduce the risk of further occurrences.

(B) Particular emphasis on family involvement shall be demonstrated by those programs serving adolescents and children.

(C) Performance Indicators. The following are intended as examples of indicators that can be used by the department and the organization to demonstrate achievement of this essential treatment principle. Indicators can include, but are not limited to, the following:

1. Rate of family participation in treatment planning;
2. Rate of family participation in direct services, such as family therapy;
3. Improved family relationships;
4. Reduction of family conflict; and
5. Satisfaction of family members with services.

(11) Pharmacological treatments shall be used, when clinically indicated.

(12) For individuals with clearly established co-occurring disorders, coordinated services for these disorders shall be provided or arranged.

(A) Each individual shall have access to a full range of services provided by qualified, trained staff.

(B) Each individual shall receive services necessary to fully address his/her treatment needs. The program providing screening and assessment shall—

1. Directly provide all necessary services in accordance with the program's capabilities and certification;
2. Make a referral to a program which can provide all necessary services and maintain appropriate involvement until the individual is admitted to the other program; or
3. Provide those services within its capability and promptly arrange additional services from another program.

(C) Services shall be continuously coordinated between programs, where applicable. Programs shall—

1. Ensure that services are not redundant or conflicting; and
2. Maintain communication regarding the individual's treatment plan and progress.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.020 Rights, Responsibilities, and Grievances

PURPOSE: This rule describes the rights of individuals being served and grievance procedures in Alcohol and Drug Abuse Treatment Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) The organization shall demonstrate through its policies, procedures and practices an ongoing commitment to the rights, dignity, and respect of the individuals it serves. In addition to the requirements of this rule, the organization must also comply with 9 CSR 10-5.200 regarding protection from abuse and neglect and investigations of any such allegations.

(2) Immediately upon admission, each individual shall be informed and oriented as to what will happen as care and treatment are provided.

(A) An individual who is admitted on a voluntary basis shall be expected to give written, informed consent to care and treatment.

(B) The orientation given to each individual shall address service costs, rights, responsibilities, and grievance procedures.

1. Information regarding responsibilities shall include applicable program rules, participation requirements or other expectations.

2. Information regarding grievance procedures shall include how to file a grievance, time frames, rights of appeal, and notification of outcome.

(C) The orientation information shall be provided in written form using simple, straightforward language understandable to the individual and explained by staff as necessary.

(D) When appropriate, families receive information to promote their participation in or decisions about care and treatment.

(3) Each individual has basic rights to humane care and treatment that cannot be limited under any circumstances.

(A) The following rights apply to all settings:

1. To receive prompt evaluation, care and treatment;

2. To receive these services in the least restrictive environment;
3. To receive these services in a clean and safe setting;
4. To not be denied admission or services because of race, gender, sexual preference, creed, marital status, national origin, disability or age;
5. To confidentiality of information and records in accordance with federal and state law and regulation;
6. To be treated with dignity and addressed in a respectful, age appropriate manner;
7. To be free from abuse, neglect, physical punishment and other mistreatment such as humiliation, threats or exploitation;
8. To be the subject of an experiment or research only with one's informed, written consent, or the consent of an individual legally authorized to act;
9. To medical care and treatment in accordance with accepted standards of medical practice, if the facility or program offers medical care and treatment; and
10. To consult with a private, licensed practitioner at one's own expense.

(B) The following additional rights apply to residential settings, and where otherwise applicable, and shall not be limited under any circumstances:

1. To a nourishing, well-balanced, varied diet
2. To attend or not attend religious services
3. To communicate by sealed mail with the department and, if applicable, legal counsel and court of jurisdiction;
4. To receive visits from one's attorney, physician or clergy in private at reasonable times; and
5. To be paid for work unrelated to treatment, except that an individual may be expected to perform limited tasks and chores within the program that are designed to promote personal involvement and responsibility, skill building or peer support.

(4) Each individual shall have further rights and privileges, which can be limited only to ensure personal safety or the safety of others.

(A) Any limitation due to safety considerations shall occur only if it is—

1. Applied on an individual basis;
2. Authorized by the organization's director or designee;
3. Documented in the individual's record;
4. Justified by sufficient documentation;
5. Reviewed on a regular basis at the time of each individualized plan review; and
6. Rescinded at the earliest clinically appropriate moment.

(B) In all care and treatment settings, each individual shall have the right to see and review one's own record, except that specific information or records provided by other individuals or agencies may be excluded from such review.

(C) The following additional rights and privileges apply to individuals in residential settings, and where otherwise applicable:

1. To wear one's own clothes and keep and use one's own personal possessions;
2. To keep and be allowed to spend a reasonable amount of one's own funds;
3. To have reasonable access to a telephone to make and to receive confidential calls;
4. To have reasonable access to current newspapers, magazines and radio and television programming;
5. To be free from seclusion and restraint;
6. To have opportunities for physical exercise and outdoor recreation;
7. To receive visitors of one's choosing at reasonable hours; and
8. To communicate by sealed mail with individuals outside the facility.

(5) The organization shall ensure that all individuals have the same legal rights and responsibilities as any other citizen, unless otherwise limited by law.

(6) An individual shall not be denied admission or services solely on the grounds of prior treatment, withdrawal from treatment against advice, or continuation or return of symptoms after prior treatment.

(7) The organization shall establish policies, procedures and practices to ensure a prompt, responsive, impartial review of any grievance or alleged violation of rights.

- (A) Reasonable assistance shall be given to an individual wishing to file a grievance.
- (B) The review shall be consistent with principles of due process.

(8) The organization's policies, procedures and practices shall ensure an opportunity for the individual to designate or establish a surrogate decision maker, if the individual is incapable of understanding or is unable to communicate his or her wishes regarding the treatment plan or a proposed service.

(9) The organization shall demonstrate a commitment to the safety and well-being of the individuals it serves. The organization's policies, procedures and practices shall—

- (A) Promote therapeutic progress by addressing matters such as medication compliance, missed appointments, use of alcohol and drugs, and other program expectations or rules;
- (B) Encourage appropriate behavior by providing positive instruction and guidance; and
- (C) Ensure safety by effectively responding to any threats of suicide, violence or harm. Any use of seclusion or restraint shall be in accordance with 9 CSR 10-7.050 Behavioral Management.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs**

RULE UNDER CONSIDERATION

9 CSR 10-7.030 Service Delivery Process and Documentation

PURPOSE: This rule describes requirements for the delivery and documentation of services in Alcohol and Drug Abuse Treatment Programs, Compulsive Gambling Treatment Programs, Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) Each individual requesting services shall have prompt access to a screening in order to determine eligibility and to plan an initial course of action or treatment. The organization shall establish methods to identify urgent, emergent and routine service needs.

(A) At the individual's first contact with the organization (whether by telephone or face-to-face contact), any urgent or emergent needs shall be identified and addressed.

(B) The screening shall include basic information about the individual's presenting situation and symptoms, level of functioning, and the presence of factors related to harm or safety, as well as demographic and other identifying data.

(C) The screening—

1. Shall be conducted by a trained professional;
2. Should be conducted through a face-to-face interview;
3. Shall be responsive to the individual's request and needs; and
4. Shall include notice to the individual regarding service eligibility and a recommended course of action or treatment. If indicated, the individual shall be linked to other appropriate services in the community.

(2) Immediately upon admission, each individual shall be informed and oriented as to what will happen during the course of service delivery.

(A) The orientation shall address individual rights and responsibilities, including grievances and appeals; service costs; and any applicable program rules, participation requirements or other expectations.

(B) This information is provided in written form and is explained by staff as necessary.

(C) When appropriate, families receive information to promote their participation in or decisions about service delivery.

(3) Each individual shall participate in an assessment that more fully identifies their needs and goals and develops an individualized plan. The participation of family and other collateral parties (e.g., referral source, employer, school, other community agencies) in assessment and service plan development shall be encouraged, as appropriate to the age, guardianship, services provided or wishes of the individual.

(A) The assessment shall assist in ensuring an appropriate level of care, identifying necessary services, and developing an individualized plan. The assessment data shall subsequently be used in determining progress and outcomes. Documentation of the screening and assessment must include, but is not limited to, the following:

1. Demographic and identifying information;
2. Statement of needs, goals and treatment expectations from the individual requesting services. The family's perceptions are also obtained, when appropriate and available;
3. Presenting situation/ problem and referral source;
4. History of previous psychiatric and/or substance abuse treatment including number and type of admissions;
5. Health screening;
6. Current medications and identification of any medication allergies and adverse reactions;
7. Recent alcohol and drug use for at least the past thirty (30) days and, when indicated, a substance use history that includes duration, patterns, and consequences of use;
8. Current psychiatric symptoms;
9. Family, social, legal, and vocational/educational status and functioning. The collection and assessment of historical data is also required, unless short-term crisis intervention or detoxification are the only services being provided;
10. Current use of resources and services from other community agencies;
11. Personal and social resources and strengths, including the availability and use of family, social, peer and other natural supports; and
12. Multi-axis diagnosis or diagnostic impression in accordance with the current edition of the *Diagnostic and Statistical Manual of the American Psychiatric Association*.

(B) Recommendations for specialized services may require more extensive diagnostic testing.

(C) Each individual shall directly participate in developing his/her individualized plan.

(D) The individualized plan shall reflect the person's unique needs and goals. The plan shall include, but is not limited to, the following:

1. Measurable goals and outcomes;
2. Services, supports and actions to accomplish each goal/outcome. This includes services and supports and the staff member responsible, as well as action steps of the individual and other supports (family, social, peer, and other natural supports);
3. Involvement of family, when indicated;
4. Service needs beyond the scope of the organization or program that are being addressed by referral or services at another community organization, where applicable;

5. Projected time frame for the completion of each goal/outcome; and
 6. Estimated completion/discharge date for the level of care.
- (4) The individualized plan shall guide ongoing service delivery. However, services may begin before the assessment is completed and the plan is fully developed.
- (A) Services shall be provided in accordance with applicable admission and utilization criteria.
 - (B) Services shall be appropriate to the individual's age and development and shall be responsive to the individual's social/cultural situation and any linguistic/communication needs.
 - (C) There is a designated staff member who coordinates services and ensures implementation of the plan. Coordination of care shall also be demonstrated when services and supports are being provided by multiple agencies or programs.
 - (D) To the fullest extent possible, individuals shall be responsible for action steps to achieve their goals. Services and supports provided by staff shall be readily available to encourage and assist the individuals in their recovery.
 - (E) Services and supports shall be provided by staff with appropriate licenses or credentials.
 - (F) During the course of service delivery, ready access to crisis assistance and intervention is available, when needed.
- (5) Progress toward treatment goals and outcomes shall be reviewed on a periodic basis.
- (A) Each individual shall directly participate in the review of their treatment plan.
 - (B) The frequency of treatment plan reviews shall be based on the individual's level of care or other applicable program rules. The occurrence of a crisis or significant clinical event may require a further review and modification of the treatment plan.
 - (C) The treatment plan shall be updated and changed as indicated.
- (6) Each individual shall be actively involved in planning for continuing care and discharge. The participation of family and other collateral parties (e.g., referral source, employer, school, other community agencies) in such planning shall be encouraged, as appropriate to the age, guardianship, service provided or wishes of the individual.
- (A) A written discharge summary and, where applicable, a continuing care plan shall be prepared upon—
 1. Transferring from inpatient or residential treatment to a less restrictive and intensive level of care;
 2. Transferring to a different provider;
 3. Completing a service episode; or
 4. Discontinuing further participation in services.
 - (B) A discharge summary shall include, but is not limited to, the following:
 1. Dates of admission and discharge;
 2. Reason for admission and referral source;
 3. Diagnosis or diagnostic impression;
 4. Description of services provided and outcomes achieved, including any prescribed medication, dosage, and response;
 5. Reason for or type of discharge;
 6. Medical status and needs that may require ongoing monitoring and support; and
 7. Where applicable, plans for continuing care and the designated service provider(s).
- (7) In order to promote consistency in clinical practice, eligibility determination, service documentation, and outcome measurement, the department may require the use of designated instruments in the screening, assessment and treatment process. The required use of particular instruments shall be applicable only to those services funded by the department or provided through a service network authorized by the department.
- (8) An organized record system shall be maintained for each individual being served which includes documentation of screening, orientation, assessment, treatment planning and reviews, service delivery, and planning for continuing care and discharge.
- (A) Records shall be maintained in a manner which ensures confidentiality and safety.
 1. The organization shall abide by all local, state and federal laws and regulations concerning the confidentiality of records.
 2. If records are maintained on computer systems, there must be a backup system to safeguard records in the event of operator or equipment failure and to ensure security from inadvertent or unauthorized access.
 3. The organization shall retain individual records for at least five (5) years or until all litigation, adverse audit findings, or both, are resolved.
 4. The organization shall assure ready access to the record by authorized staff and other authorized parties including Department of Mental Health (DMH) staff.
 - (B) The organization shall implement policies and procedures regarding individuals' access to their own records. Any restrictions to the individual's access to the record or information contained therein must be specified. The organization may require a staff member to be present whenever an individual accesses the record.
 - (C) All entries in the individual record shall be legible, clear, complete, accurate and recorded in a timely fashion. Entries shall be dated and authenticated by the staff member providing the service, including name and title. Any errors shall be marked through with a single line, initialed and dated.
 - (D) There shall be documentation of services provided and results accomplished. The documentation of services funded by the department or provided through a service network authorized by the department shall include the following:
 1. The specific services rendered;
 2. The date and actual time (beginning and ending times) the service was rendered;
 3. Who rendered the service;
 4. The setting in which the service was rendered;
 5. The relationship of the services to the individual plan; and
 6. Updates describing the individual's response to services provided.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.040 Research

PURPOSE: This rule describes standards and procedures for conducting research in Alcohol and Drug Abuse Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance

Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) In accordance with 9 CSR 60-1.010 the term research as used in this rule shall be defined as experimentation or intervention with or on departmental patients, clients or individuals, including behavioral or psychological research, biomedical research, pharmacological research and program evaluation. Excluded are those instances where the manipulation or application is intended solely and explicitly for individual treatment of a condition, falls within the prerogative of accepted practice and is subject to appropriate quality assurance review. Also excluded are activities limited to program evaluation conducted by staff members as a regular part of their jobs, the collection or analysis of management information system data, archival research or the use of departmental statistics.

(2) The organization shall have written policy concerning research activities involving the individuals by the program.

(3) The organization shall abide by all local, state and federal laws and regulations concerning the conduct of research including but not limited to sections 630.192, 630.199, 630.194, and 630.115 RSMo, 9 CSR 60-1.010 and 9 CSR 60-1.015.

(4) The organization shall assure that individuals are not the subject of experimental research without their prior written and informed consent or that of their parents or guardian, if minors.

(5) The organization shall assure that individuals participating in research understand that they may decide not to participate or may withdraw from any research at any time for any reason.

(6) The organization shall assure that any research involving individuals served has the prior approval of the Department of Mental Health. The organization shall immediately inform the department of mental health of any adverse outcomes experienced by an individual served due to participation in a research project.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.050 Behavior Management

PURPOSE: This rule establishes requirements for the use of restraint, seclusion and time out in Alcohol and Drug Abuse Treatment Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) General Policy. Any behavior management methods used by an organization shall promote the rights, dignity and safety of individuals being served. An organization may prohibit by policy and practice the use of behavior management, including physical, mechanical and chemical restraint; seclusion; time out; and the use of positive and negative reinforcement. If any of these methods of behavior management are to be used within the organization, it shall develop policies and procedures which define, describe and limit the conditions and circumstances of their use.

(A) Organizations utilizing seclusion and restraint must obtain a separate written authorization from the appropriate division of the Department of Mental Health, in addition to other requirements of this rule. The department may issue such authorization on a time-limited basis subject to renewal.

(B) The organization must prohibit by policy and practice:

1. Aversive conditioning of any kind. Aversive conditioning is defined as the application of startling, unpleasant or painful stimulus or stimuli that have a potentially noxious effect on an individual in an effort to decrease maladaptive behavior;
2. Withholding of food, water or bathroom privileges;
3. Painful stimuli;
4. Corporal punishment; and
5. Use of seclusion, restraint, time out, discipline or coercion for staff convenience.

(C) Behavior management policies and procedures shall be:

1. Approved by the organization's board of directors;
2. Made available to all program employees and providers;
3. Made available to the individuals served, their families and others upon request;
4. Developed with the participation of the individuals and, whenever possible, their family members or advocates, or both; and
5. Consistent with department rules regarding individual rights.

(2) Seclusion and Restraint.

(A) Definitions. The following terms shall mean:

1. Mechanical restraint, the use of any mechanical device that restricts the movement of an individual's limbs or body or physically holding individuals so that they cannot move freely for a period of longer than ten (10) minutes;
2. Seclusion, placing an individual alone in a separate room with either a locked door or other method or procedure that prevents the individual from leaving that room;
3. Chemical restraint, medication administered with the primary intent of restraining an individual who presents a likelihood of serious physical injury to himself or others and not prescribed to treat an individual's medical condition; and
4. Physical restraint, physical holding of an individual which restricts the individual's freedom of movement, to restrain temporarily in an emergency an individual who presents a likelihood of serious physical harm to self or others.

(B) The organization shall assure that seclusion and restraint are only used when an individual's behavior presents an immediate risk of danger to themselves or others and no other safe or effective treatment intervention is possible. It shall only be implemented when alternative, less restrictive interventions have failed. Seclusion and restraint is never a treatment intervention. It is an emergency/security measure to maintain safety when all other less restrictive interventions are inadequate.

(C) Seclusion and restraint shall only be implemented by competent, trained staff.

(D) The organization shall assure that seclusion and restraint is used only when ordered by a licensed, independent practitioner. Orders for seclusion and restraint must define specific time limits. Seclusion and restraint shall be ended at the earliest possible time.

1. Standing or PRN orders for seclusion and restraint are not allowed.
2. An order cannot exceed four (4) hours for adults, two (2) hours for children and adolescents ages nine (9) to seventeen (17), or one (1) hour for children under age nine (9). If nonindependent licensed staff initiates seclusion and restraint, an order must be obtained from a licensed independent clinician within one (1) hour.
3. Individuals in restraint shall be monitored continuously. Monitoring may be face-to-face by assigned staff or by audio-visual equipment.
4. Individuals in seclusion shall be visually monitored at least every fifteen (15) minutes.
5. Individuals in seclusion and restraint are offered regular food, fluid and an opportunity to meet their personal hygiene needs no less than every two (2) hours.
6. The need for continuing seclusion and restraint shall be evaluated by and, where necessary, must be further ordered by a licensed, independent practitioner at least every four (4) hours for adults, two (2) hours for children and adolescents ages nine (9) to seventeen (17), or one (1) hour for children under age nine (9).
7. The organization's clinical director or quality improvement coordinator shall review every episode of seclusion and restraint within seventy-two (72) hours.

(3) Individualized Behavioral Management Plan.

(A) Definitions. The following terms shall mean:

1. Behavioral management plan, array of positive and negative reinforcement to reduce unacceptable or maladaptive interactions and behaviors; and
2. Time out, an individual's voluntary compliance with the request to remove himself or herself from a service area to a separate location.

(B) The need for a behavioral management plan shall be evaluated upon—

1. Any incident of seclusion or restraint;
2. The use of time out two (2) or more times per day; or
3. The use of time out three (3) or more times per week.

(C) Behavioral plan shall include the input of the individual being served and family, if appropriate.

(D) The plan shall identify what the individual is attempting to communicate or achieve through the maladaptive behavior before identifying interventions to change it.

(E) The plan shall be reevaluated within the first seven (7) calendar days and every seven (7) days thereafter to determine whether maladaptive and unacceptable behaviors are being reduced and more functional alternatives acquired.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.060 Medications

PURPOSE: This rule describes training and procedures for the proper storage, use and administration of medications in Alcohol and Drug Abuse Treatment Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) The following requirements apply to all programs:

(A) The organization shall have written policies and procedures on how medications are prescribed, obtained, stored and used;

(B) The organization shall assure that staff authorized by the organization and by law to conduct medical, nursing and pharmaceutical services do so using sound clinical practices and following all applicable state and federal laws and regulations;

(C) The organization shall implement policies that prevent the use of medications as punishment, for the convenience of staff, as a substitute for services or other treatment, or in quantities that interfere with the individual's participation in treatment and rehabilitation services;

(D) The organization shall allow individuals to take prescribed medication as directed. Individuals cannot be denied service due to taking prescribed medication as directed. If the organization believes that a prescribed medication is subject to abuse or could be an obstacle to other treatment goals, then the organization's treatment staff shall attempt to engage the prescribing physician in a collaborative discussion and treatment planning process. If the prescribing physician is nonresponsive, a second opinion by another physician may be used; and

(E) Where applicable, the individual record shall include a medication profile that includes:

1. Name;
2. Age;
3. Weight;
4. Current diagnosis;
5. Current medication and dosage;
6. Prescribing physician;
7. Allergies;
8. History of compliance; and
9. Other pertinent information related to the individual's medication regimen.

(2) The following requirements apply to programs that prescribe or administer medication, to residential programs, and to those programs where individuals self-administer medication under staff supervision.

(A) Staff Training and Competence. The organization shall ensure the training of staff in the dispensing and administration of medications and observation for adverse drug reactions and medication errors, consistent with each staff individual's job duties.

1. Staff whose duties include the administration of medication or self-administration of medication shall complete medication assistant training within ninety (90) days.

2. Staff responsible for supervision of the self-administration of medication shall consult a physician, pharmacist, registered nurse or reference material regarding the action and possible side effects or adverse reactions of each medication under their supervision. This consultation shall be documented.

(B) Education. If medication is part of the treatment plan, the organization shall document that the individual and family member, if appropriate understands the purpose and side effects of the medication.

(C) Compliance. The program shall take steps to ensure that each individual takes medication as prescribed and the program shall document any refusal of medications. A licensed physician shall be informed of any refusal of medication.

(D) Medication Errors and Adverse Drug Reactions. A licensed physician shall be immediately notified of any medication error or adverse reaction. The medication error or reaction, physician recommendations and subsequent actions taken by the program shall be documented in the individual record.

(E) Medication Records and Prescribing. The organization shall maintain records to track and account for all prescribed medications in residential programs and, where applicable, in nonresidential programs.

1. Each individual receiving medication shall have a medication intake sheet which includes the individual's name, type and amount of medication, dose and frequency of administration, date and time of intake, and name of staff who administered or observed the medication intake. If medication is self-administered, the individual shall sign or initial the medication intake sheet.

2. The amount of medication originally present and the amount remaining can be validated by the medication intake sheet.

3. Documentation of medication intake shall include over-the-counter products.

4. Medication shall be administered in single doses to the extent possible.

5. The organization shall establish a mechanism for the positive identification of individuals at the time medication is dispensed or administered.

(F) Emergency Situations. The organization's policies shall address the administration of medication in emergency situations. Medical/nursing staff shall accept telephone medication orders only from physicians who are included in the organization's list of authorized physicians and who are known to the staff receiving the orders. A physician's signature shall authenticate verbal orders within five (5) working days of the receipt of the initial telephone order.

(G) Periodic Review. The organization shall document that individuals' medications are evaluated at least every six (6) months to determine their continued effectiveness.

(H) Individuals Bringing Their Own Medication. Any medication brought to the program by an individual served is allowed to be administered or self-administered only when the medication is appropriately labeled.

(I) Labeling. All medication shall be properly labeled. Labeling for each medication shall include:

1. Drug name;
2. Strength;
3. Amount dispensed;
4. Directions for administration;
5. Expiration date;
6. Name of individual being served; and
7. Name of physician.

(J) Storage. The organization shall implement written policies and procedures on how medications are to be stored.

1. The organization shall establish a locked storage area for all medications that provides suitable conditions regarding sanitation, ventilation, lighting and moisture.

2. The organization shall store ingestible medications separately from noningestible medications and other substances.

3. The organization shall maintain a list of personnel who have been authorized access to the locked medication area and who are qualified to administer medications.

(K) Inventory. Where applicable, the organization shall implement written policies and procedures for—

1. Receipt and disposition of stock pharmaceuticals must be accurately documented;
2. A log shall be maintained for each stock pharmaceutical that documents receipts and disposition;
3. At least quarterly, each stock pharmaceutical shall be reconciled as to the amount received and the amount dispensed;

and

4. A stock supply of a controlled substance must be registered with the Drug Enforcement Administration and the Missouri Department of Health, Bureau of Narcotics and Dangerous Drugs.

(L) Disposal. The organization shall implement written procedures and policies for the disposal of medication.

1. Medication must be removed on or before the expiration date and destroyed.

2. Any medication left by an individual at discharge shall be destroyed within thirty (30) days.

3. The disposal of all medications shall be witnessed and documented by two (2) staff members.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-070 Dietary Services

PURPOSE: This rule establishes dietary and food service requirements in Alcohol and Drug Abuse Treatment Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) Dietary Standards for Programs with Incidental Dietary Component.

(A) Programs defined as having only an incidental dietary component shall include:

1. A permanent residence serving no more than four (4) individuals; or
2. Programs and service sites that do not provide for the preparation, storage or provision of food including food brought by the individuals being served.

(B) Programs and service sites defined as having only an incidental dietary component shall address diet and food preparation on the individual's individualized plan, if it is identified as an area in need of intervention based on the assessment.

(C) Where the program does not provide meals, but individuals are allowed to bring their own food, the following standards apply:

1. All appliances must be clean and in safe and proper operating condition; and
2. Hand washing facilities including hot and cold water, soap and hand drying means shall be readily accessible.

(2) Dietary Standards for Programs and Treatment Sites with Minimal Dietary Component.

(A) A program or service site shall be defined as having a minimal dietary component if one of the following criteria apply and it does not meet the definition of incidental dietary component:

1. It provides for the preparation, storage or consumption of no more than one (1) meal a day; or

2. The program or service site has an average length of stay of less than five (5) days.
- (B) The following standards apply for programs with a minimal dietary component:
1. Meals shall be nutritious, balanced and varied based on the latest edition of the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences. The practical application of these recommendations can be met by following the Dietary Guidelines for Americans and the Food Guide Pyramid of U.S. Department of Agriculture and the U.S. Department of Health and Human Services;
 2. Special diets for medical reasons must be provided;
 3. Menus shall be responsive to the cultural and religious beliefs of individuals;
 4. Food will be served at realistic meal times in a pleasant, relaxed dining area;
 5. Food will be stored safely, appropriately and sanitarily;
 6. Food shall be in sound condition, free from spoilage, filth or other contamination and safe for human consumption;
 7. All appliances shall be in safe and proper operating condition;
 8. Food preparation areas will be cleaned regularly and kept in good repair. Utensils shall be sanitized according to Missouri Department of Health standards;
 9. Hand washing facilities that include hot and cold water, soap and a means of hand drying shall be readily available; and
 10. Paragraphs 5–9 of this subsection shall be met if the site has a current inspection in compliance with 19 CSR 20-1.010.

(3) Dietary Standards for Programs and Treatment Sites with a Substantial Dietary Component.

(A) Programs with a substantial dietary component shall be defined as meeting one of the following criteria and are not the permanent residence of more than four (4) individuals:

1. Programs or treatment sites that serve more than one (1) meal per day; and
2. Programs or treatment sites with an average length of stay of over five (5) days.

(B) Programs with a substantial dietary component shall have the following:

1. An annual inspection finding them in compliance with the provisions of 19 CSR 20-1.010. Inspections should be conducted by the local health department or by the Missouri Department of Health;

2. Those organizations arranging for provision of food services by agreement or contract with the second party shall assure that the provider has demonstrated compliance with this rule;

3. Programs providing meals shall implement a written plan to meet the dietary needs of the individuals being served, including:

A. Written menus developed and annually reviewed by a registered dietitian or qualified nutritionist who has at least a bachelor's degree from an accredited college with emphasis on foods and nutrition. The organization must maintain a copy of the dietitian's current registration or the qualified nutritionist's academic record;

B. Any changes or substitution in menus must be noted;

C. Menus for at least the past three (3) months shall be maintained;

D. The written dietary plan shall insure that special diets for medical reasons are provided. Menu samples shall be maintained showing how special diets are developed or obtained; and

E. Menus shall be responsive to cultural and religious beliefs of individuals;

4. Meals shall be served in a pleasant, relaxed dining area; and

5. Hand washing facilities including hot and cold water, soap and hand drying means shall be readily accessible.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.080 Governing Authority and Program Administration

PURPOSE: This rule describes requirements for and responsibilities of the governing body in Alcohol and Drug Abuse Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) The organization has a designated governing body with legal authority and responsibility for the operation of the program(s).

(A) The organization is incorporated in the state of Missouri, maintains good standing in accordance with state law and regulation, and has bylaws identifying the structure of its governing body.

(B) Methods for selecting members of the governing body are delineated. A current list of members is maintained.

(C) Requirements of this section are not applicable to government entities, except that a government entity or public agency must have an administrative structure with identified lines of authority to ensure responsibility and accountability for the successful operation of its psychiatric and substance abuse services.

(2) The governing body shall effectively implement the functions of—

- (A) Providing fiscal planning and oversight;
- (B) Ensuring organizational planning and quality improvement in service delivery;
- (C) Establishing policies to guide administrative operations and service delivery;
- (D) Ensuring responsiveness to the communities and individuals being served;
- (E) Delegating operational management to an executive director and, as necessary, to program managers in order to effectively operate its services; and
- (F) Designating contractual authority.

(3) The governing body shall meet at least quarterly and maintain an accurate record of its meetings. Minutes of meetings must identify dates, those attending, discussion items, and actions taken.

(4) The organization maintains a current policy and procedure manual which accurately describes and guides the operation of its services, promotes compliance with applicable regulations, and is readily available to staff.

(5) The organization establishes a formal, accountable relationship with any contractor or affiliate who provides direct service but who is not an employee of the organization.

(6) The organization provides information to the department or its designee, as may be requested, which includes, but is not limited to, information regarding characteristics of individuals, services, costs, and outcomes. The organization shall maintain equipment and capabilities necessary for this purpose.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.090 Fiscal Management

PURPOSE: This rule describes fiscal policies and procedures for Alcohol and Drug Abuse Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) The organization has fiscal management policies, procedures and practices consistent with generally accepted accounting principles and, as applicable, state and federal law, regulation, or funding requirements.

(2) The organization assigns responsibility for fiscal management to a designated staff member who has the skills, authority and support to fulfill these responsibilities.

(A) There is an annual budget of revenue by source and expenses by category that is approved in a timely manner by the governing body. Fiscal reports are prepared on at least a quarterly basis which compare the budget to actual experience. Fiscal reports are provided to and reviewed by the governing body and administrative staff who have ongoing responsibility for financial and program management.

(B) The organization utilizes financial activity measures to monitor and ensure its ability to pay current liabilities and to maintain adequate cash flows.

(C) The organization has an annual audit if required by funding sources or otherwise required by federal or state law or regulation.

(3) The organization has a current written fee schedule approved by the governing body and available to staff and individuals being served.

(4) Fiscal records shall be retained for at least five (5) years or until any litigation or adverse audit findings, or both, are resolved.

(5) The organization shall have adequate insurance coverage to protect its physical and financial resources. Insurance coverage for all people, buildings and equipment shall be maintained and shall include fidelity bond, automobile liability, where applicable, and broad form comprehensive general liability for property damage, and bodily injury including wrongful death and incidental malpractice.

(6) If the organization is responsible for funds belonging to individuals, there shall be procedures that identify those funds and provide accountability for any expenditure of those funds. Such funds shall be expended or invested only with the informed consent and approval of the individuals or, if applicable, their legally appointed representatives. The individuals shall have access to the records of their funds. When benefits or personal allowance monies are received on behalf of individuals or when the organization acts as representative payee, such funds are segregated for each individual for accounting purposes and are used only for the purposes for which those funds were received.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.100 Personnel

PURPOSE: This rule describes personnel policies and procedures for Alcohol and Drug Abuse Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) The organization shall maintain personnel policies, procedures and practices in accordance with local, state and federal law and regulation.

(A) The policies and procedures shall include written job descriptions for each position and a current table of organization reflecting each position and, where applicable, the relationship to the larger organization of which the program or service is a part.

(B) Policies and procedures shall be consistently and fairly applied in the recruitment, selection, development and termination of staff.

(2) Qualified staff shall be available in sufficient numbers to ensure effective service delivery.

(A) The organization shall ensure that staff possess the training, experience and credentials to effectively perform their assigned services and duties;

(B) A background screening shall be conducted in accordance with 9 CSR 10-5.190;

(C) Qualifications and credentials of staff shall be verified prior to employment, with primary source verification completed within ninety (90) days;

(D) There is a clinical supervision of direct service staff that ensures adequate supervisory oversight and guidance, particularly for those staff who may lack credentials for independent practice in Missouri.

(E) Training and continuing education opportunities are available to all direct service staff, in accordance with their job duties and any licensing or credentialing requirements.

(F) When services and supervision are provided twenty-four (24) hours per day, the organization maintains staff on duty, awake and fully dressed at all times. A schedule or log is maintained which accurately documents staff coverage.

(3) Staff shall adhere to ethical standards of behavior in their relationships with individuals being served.

(A) Staff shall maintain an objective, professional relationship with individuals being served at all times.

(B) Staff shall not enter dual or conflicting relationships with individuals being served which might affect professional judgment or increase the risk of exploitation.

(C) The organization shall establish policies and procedures regarding staff relationships with both individuals currently being served and individuals previously served.

(4) If the agency uses volunteers, it shall establish and consistently implement policies and procedures to guide the roles and activities of volunteers in an organized and productive manner. The agency shall ensure that volunteers have a background screening in accordance with 9 CSR 10-5.190 and adequate supervision.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.110 Physical Plant and Safety

PURPOSE: This rule describes requirements for the physical facilities and safety in Alcohol and Drug Treatment Abuse Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) This rule is organized as follows:

(A) Sections (2) through (8) apply to all facilities and program sites subject to certification by the Department of Mental Health; and
(B) Section (9) applies to residential facilities only.

(2) Each individual shall be served in a safe facility.

(A) All buildings used for programmatic activities or residential services by the organization shall meet applicable state and local fire safety and health requirements. At the time of the initial application and after that, whenever renovations are made, the organization shall submit to the department verification that the facility complies with requirements for the building, electrical system, plumbing, heating system and, where applicable, water supply.

(B) The organization shall maintain documentation of all inspections and correction of all cited deficiencies to assure compliance with applicable state and local fire safety and health requirements. These inspection and documentation requirements may be waived for a nonresidential service site that operates less than three (3) hours per day, two (2) days per week.

(C) A currently certified organization that relocates any program into new physical facilities shall have the new facilities comply with this rule in order to maintain certification. All additions or expansions to existing physical facilities must meet the requirements of this rule.

(3) Individuals are able to readily access the organization's services. The organization shall demonstrate an ability to remove architectural and other barriers that may confront individuals otherwise eligible for services.

(4) Individuals are served in a setting with adequate space, equipment and furnishings for all program activities and for maintaining privacy and confidentiality.

(A) In keeping with the specific purpose of the service, the organization shall make available—
1. A reception/waiting area;
2. Private areas for individual counseling and family therapy;
3. A private area(s) for group counseling, education and other group services;
4. An area(s) for indoor social and recreational activities in residential settings and in non-residential settings where individuals are scheduled for more than four (4) hours per day; and
5. Separate toilet facilities for each sex, except where reasonable evidence is shown to the department that this is not necessary.

(B) The organization shall have appropriate furnishings which are clean and in good repair.

(C) The use of appliances such as television, radio and stereo equipment shall not interfere with the therapeutic program.

(5) Individuals are served in settings that are clean and comfortable, in good repair, and in safe operating order. The organization shall—

(A) Provide adequate and comfortable lighting;
(B) Maintain a comfortable room temperature between sixty-eight degrees Fahrenheit (68° F) and eighty degrees Fahrenheit (80° F);
(C) Provide screens on outside doors and windows if they are to be kept open;
(D) Provide effective pest control measures;
(E) Store refuse in covered containers so as not to create a nuisance or health hazard;
(F) Maintain the facility free of undesirable odors;
(G) Provide stocked, readily accessible first-aid supplies; and
(H) Take measures to prevent, detect and control infections among individuals and personnel, and have protocols for proper treatment.

(6) If the organization offers certain services at locations in the community other than at its facilities, the organization shall take usual and reasonable precautions to preserve the safety of individuals participating in these off-site locations.

(7) The organization shall have an emergency preparedness plan.

(A) The plan shall address medical emergencies and natural disasters.
(B) Evacuation routes shall be posted, or the organization shall maintain a written evacuation plan.
(C) Staff shall demonstrate knowledge and ability to effect the emergency preparedness plan and, where applicable, the evacuation plan.
(D) Emergency numbers for the fire department, police and poison control shall be posted and readily visible near the telephone.

(8) The organization shall maintain fire safety equipment and practices to protect all occupants.

(A) Portable ABC type fire extinguishers shall be located on each floor used by individuals being served so that no one will have to travel more than one hundred feet (100') from any point to reach the nearest extinguisher. Additional fire extinguishers shall be provided, where applicable, for the kitchen, laundry and furnace areas.

(B) Fire extinguishers shall be clearly visible and maintained with a charge.
(C) There shall be at least two (2) means of exit on each floor used by individuals being served, which are independent of and remote from one another.
1. Outside fire escape stairs may constitute one (1) means of exit in existing buildings. Fire escape ladders shall not constitute one (1) of the required means of exit.
2. The means of exit shall be free of any item that would obstruct the exit route.
3. Outside stairways shall be substantially constructed to support people during evacuation. Newly constructed fire exit shall meet requirements of the National Fire Protection Association (NFPA) *Life Safety Code*.

4. Outside stairways shall be reasonably protected against blockage by a fire. This may be accomplished by physical separation, distance, arrangement of the stairs, protection of openings exposing the stairs or other means acceptable to the fire authority.

5. Outside stairways at facilities with three (3) or more stories shall be constructed of noncombustible material, such as iron or steel.

(D) Unless otherwise determined by the fire inspector based on a facility's overall size and use, the requirement of two (2) or more means of exit on each floor shall be waived for those sites that meet each of the following conditions:

1. Do not offer overnight sleeping accommodations;

2. Do not cook meals on a regular basis; and

3. Do not provide services on-site to twenty (20) or more individuals at a given time as a usual and customary pattern of service delivery.

(E) The requirement for two (2) means of exit from the second floor shall be waived for a residential facility if it serves no more than four (4) individuals and each of those individuals—

1. Is able to hear and see;

2. Is able to recognize a fire alarm as a sign of danger;

3. Is ambulatory and able to evacuate the home without assistance in an emergency; and

4. Has staff available in the event that assistance is needed.

(F) Combustible supplies and equipment, such as oil base paint, paint thinner and gasoline, shall be separated from other parts of the building in accordance with stipulations of the fire authority.

(G) The use of wood, gas or electric fireplaces shall not be permitted unless they are installed in compliance with the NFPA codes and the facility has prior approval of the department.

(H) The *Life Safety Code* of the NFPA shall prevail in the interpretation of these fire safety standards.

(I) Fire protection equipment required shall be installed in accordance with NFPA codes.

(J) The facility shall be smoke-free, unless otherwise stipulated in program specific rules.

(9) Residential Facilities. In addition to the requirements under sections (1) through (8) of this rule, residential facilities shall also meet the following additional requirements:

(A) Residential facilities shall provide—

1. At least one (1) toilet, one (1) lavatory with a mirror and one (1) tub or shower for each six (6) individuals provided overnight sleeping accommodations;

2. Privacy for personal hygiene, including stalls or other means of separation acceptable to the department when a bathroom has multiple toilets, urinals or showers;

3. Laundry area or service;

4. Adequate supply of hot water;

5. Lockable storage space for the use of each individual being served;

6. Furniture and furnishings suitable to the purpose of the facility and individuals;

7. Books, newspapers, magazines, educational materials, table games and recreational equipment, in accordance with the interests and needs of individuals;

8. An area(s) for dining;

9. Windows which afford visual access to out-of-doors and, if accessible from the outside, are lockable; and

10. Availability of outdoor activities;

(B) Bedrooms in residential facilities shall—

1. Provide at least sixty (60) square feet of space per individual, except that additional space shall be required, if necessary to accommodate special medical or other equipment needed by individuals;

2. Have no more than four (4) individuals per bedroom;

3. Have a separate bed with adequate headroom for each individual. Cots and convertibles shall not be used. If bunk beds are used they shall be sturdy, have braces to prevent rolling from the top bunk, and be convertible to two (2) floor beds if an individual does not desire a bunk bed;

4. Provide storage space for the belongings of each individual, including space for hanging clothes;

5. Encourage the display of personal belongings in accordance with treatment goals;

6. Provide a set of linens, a bedspread, a pillow and blankets as needed;

7. Have at least one (1) window;

8. Have a floor level which is no more than three feet (3') below the outside grade on the window side of the room; and

9. Not be housed in a mobile home, unless otherwise stipulated in program specific rules;

(C) Activity space in residential facilities shall—

1. Total eighty (80) square feet for each individual, except that additional space shall be required, if necessary to accommodate special medical or other equipment needed by individuals. Activity space includes the living room, dining room, counseling areas, recreational and other activity areas. Activity space does not include the laundry area, hallways, bedrooms, bathrooms or supply storage area; and

2. Not be used for other purposes if it reduces the quality of services;

(D) Ceiling height in residential facilities shall be at least seven feet ten inches (7'10") in all rooms used by individuals except as follows:

1. Halls shall have a ceiling height of at least seven feet six inches (7'6"); and

2. Bedrooms, bathrooms and activity areas that were approved for individual use in existing facilities shall have a ceiling height of at least seven feet six inches (7'6");

(E) In all residential facilities, fire safety precautions shall include:

1. An adequate fire detection and notification system which detects smoke, fumes and/or heat, and which sounds an alarm which can be heard throughout the facility above the noise of normal activities, radios and televisions;

2. Bedroom walls and doors that are smoke resistant. Transfer grilles are prohibited;
 3. A range hood and extinguishing system for a commercial stove or deep fryer. The extinguishing system shall include automatic cutoff of fuel supply and exhaust system in case of fire; and
 4. An annual inspection in accordance with the *Life Safety Code* of the National Fire Protection Association (NFPA);
- (F) Residential facilities with more than four (4) individuals shall provide—
1. A primary means of egress which is a protected vertical opening. Protected vertical openings shall have doors that are self-closing or automatic closing upon detection of smoke. Doors shall be at least one and one-half inches (1 1/2") in existing facilities and one and three-fourths inches (1 3/4") in new construction, of solid bonded wood core construction or other construction of equal or greater fire resistance;
 2. Emergency lighting of the means of egress;
 3. Readily visible, approved exit signs, except at doors leading directly from rooms to an exit corridor and except at doors leading obviously to the outside from the entrance floor. Every exit sign shall be visible in both the normal and emergency lighting mode;
- (G) In residential facilities with more than twenty (20) individuals—
1. Neither of the required exits shall be through a kitchen;
 2. No floor below the level of exit discharge, used only for storage, heating equipment or purposes other than residential occupancy shall have unprotected openings to floors used for residential purposes;
 3. Doors between bedrooms and corridors shall be one and one-half inches (1 1/2") in existing facilities, and one and three-fourths inches (1 3/4") in new construction, solid bonded wood core construction or other construction of equal or greater fire resistance;
 4. Unprotected openings shall be prohibited in interior corridors serving as exit access from bedrooms; and
 5. A primary means of egress which is an enclosed vertical opening. This vertical opening shall be enclosed with twenty (20)-minute fire barriers and doors that are self-closing or automatic closing upon detection of smoke; and
- (H) In detoxification programs—
1. The means of exit shall not involve windows;
 2. The interior shall be fully sheathed in plaster or gypsum board, unless the group can evacuate in eight (8) minutes or less; and
 3. Bedroom doors shall be one and one-half inches (1 1/2") in existing facilities, and one and three-fourths inches (1 3/4") in new construction, solid bonded wood core construction or other construction of equal or greater fire resistance, unless the group can evacuate in eight (8) minutes or less.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs

RULE UNDER CONSIDERATION

9 CSR 10-7.120 Quality Improvement

PURPOSE: This rule describes requirements for quality improvement activities in Alcohol and Drug Abuse Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs. This rule shall be applicable to a SATOP program or a REACT program only if the aggregate number of individuals served is 250 per year.

- (1) The organization develops and implements a written plan for a systematic quality assessment and improvement process that is accountable to the governing body and includes services certified by the department.
 - (A) An individual or committee is designated as responsible for coordinating and implementing the quality improvement plan.
 - (B) Direct service staff and consumers are involved in the planning, design, implementation and review of the organization's quality improvement activities.
 - (C) Records and reports of quality improvement activities are maintained.
 - (D) The organization updates its plan for quality assessment and improvement at least annually.
- (2) Data are collected to assess quality, monitor service delivery processes and outcomes, identify opportunities for improvement, and monitor improvement efforts.
 - (A) Data collection shall reflect priority areas identified in the plan.
 - (B) Consumer satisfaction data shall be included as part of the organization's quality assessment and improvement process.
 - (C) Data are systematically aggregated and analyzed on an ongoing basis.
 - (D) Data collection analysis are performed using valid, reliable processes.
 - (E) The organization compares its performance over time and with other sources of information.
 - (F) Undesirable patterns in performance and sentinel events are intensively analyzed.

- (3) The organization develops and implements strategies for service improvement, based on the data analysis.
- (A) The organization evaluates the effectiveness of those strategies in achieving improved services delivery and outcomes.
- (B) If improved service delivery and outcomes have not been achieved, the organization revises and implements new strategies.
- (4) The department may require, at its option, the use of designated measures or instruments in the quality assessment and improvement process, in order to promote consistency in data collection, analysis, and applicability. The required use of particular measures or instruments shall be applicable only to those programs or services funded by the department or provided through a service network authorized by the department.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 7—Core Rules for Psychiatric and Substance Abuse Programs**

RULE UNDER CONSIDERATION

9 CSR 10-7.130 Procedures to Obtain Certification

PURPOSE: This rule describes procedures to obtain certification as Alcohol and Drug Abuse Programs, Compulsive Gambling Treatment Programs, Comprehensive Substance Treatment and Rehabilitation Programs (CSTAR), Substance Abuse Traffic Offender Programs (SATOP), Required Education Assessment and Community Treatment Programs (REACT), Community Psychiatric Rehabilitation Programs (CPRP), and Psychiatric Outpatient Programs.

(1) Under sections 376.779.5., 630.010 and 630.655 RSMo, the department is mandated to develop certification standards and to certify an organization's level of service, treatment or rehabilitation as necessary for the organization to operate, receive funds from the department, or participate in a service network authorized by the department and eligible for Medicaid reimbursement. However, certification in itself does not constitute an assurance or guarantee that the department will fund designated services or programs.

(2) An organization may request certification by completing an application form, as required by the department for this purpose, and submitting the application form, and other documentation, as may be specified, to the Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102.

(A) Certification fees are not required except for the Substance Abuse Traffic Offender Program (SATOP) as follows:

1. A fee of one hundred and twenty-five dollars (\$125) is required if the aggregate number of individuals being served in the SATOP program(s) during the preceding state fiscal year was less than two hundred and fifty (250) individuals;
2. A fee of two hundred and fifty dollars (\$250) is required if the aggregate number of individuals being served in the SATOP program(s) during the preceding state fiscal year was at least two hundred and fifty (250) but no more than four hundred and ninety-nine (499); or
3. A fee of five hundred dollars (\$500) is required if the aggregate number of individuals being served in the SATOP program(s) during the preceding state fiscal year was at least five hundred (500).

(B) The department will review a completed application within thirty (30) calendar days of receipt to determine whether the applicant organization would be appropriate for certification. The department will notify the organization of its determination. Where applicable, an organization may qualify for expedited certification in accordance with (3)(B) and (C) of this rule by submitting to the department required documentation and verification of its accreditation or other deemed status.

(C) An organization that wishes to apply for recertification shall submit its application forms to the department at least sixty (60) days before expiration of its existing certificate.

(D) An applicant can withdraw its application at any time during the certification process, unless otherwise required by law.

(3) The department shall conduct a site survey at an organization to assure compliance with standards of care and other requirements.

(A) The department shall conduct a comprehensive site survey for the purpose of determining compliance with core rules and program/service rules, except as stipulated in (3)(B) and (C).

(B) The department shall conduct a expedited site survey when an organization has attained full accreditation under standards for behavioral healthcare from Commission on Accreditation of Rehabilitation Facilities (CARF), the American Osteopathic Association (AOA), or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

1. The survey shall monitor compliance with applicable program/service rules promulgated by the department.
2. The survey shall not monitor core rules, except for those requirements designated by the department as essential to—
 - A. Providing and documenting services funded by the department or provided through a service network authorized by the department;
 - B. Assuring the qualifications and credentials of staff members providing these services;
 - C. Protecting the rights of individuals being served, including mechanisms for grievances and investigations; and
 - D. Funding, contractual, or other legal relationship between the organization and the department.

(C) The department shall grant a certificate, upon receipt of a completed application, to an organization which has attained full accreditation under standards for behavioral healthcare from CARF, AOA, or JCAHO; does not receive funding from the department; and does not participate in a service network authorized by the department.

1. The organization must submit a current written description of those programs and services for which it is seeking certification by the department.

2. The department shall review its categories of programs and services available for certification and shall determine those which are applicable to the organization. The department, at its option, may visit the organization's program site(s) solely for the purpose of clarifying information contained in the organization's application and its description of programs and services, and/or determining those programs and services eligible for certification by the department.

(4) The department shall provide advance notice and scheduling of routine, planned site surveys.

(A) The department shall notify the applicant regarding survey date(s), procedures and a copy of any survey instrument that may be used. Survey procedures may include, but are not limited to, interviews with organization staff, individuals being served and other interested parties; tour and inspection of treatment sites; review of organization administrative records necessary to verify compliance with requirements; review of personal records and service documentation; observation of program activities; and review of data regarding practice patterns and outcome measures, as available.

(B) The applicant agrees, by act of submitting an application, to allow and assist department representatives in fully and freely conducting these survey procedures and to provide department representatives reasonable and immediate access to premises, individuals, and requested information.

(C) An organization must engage in the certification process in good faith. The organization must provide information and documentation that is accurate, and complete. Failure to participate in good faith, including falsification or fabrication of any information used to determine compliance with requirements, may be grounds to deny issuance of or to revoke certification.

(D) The surveyor(s) shall hold entrance and exit conferences with the organization to discuss survey arrangements and survey findings, respectively.

(E) Within thirty (30) calendar days after the exit conference, the department shall provide a written report to the organization and shall note any deficiencies identified during the survey for which there has not been prompt, remedial action. The department shall send a notice of deficiency by certified mail, return receipt requested.

(F) Within thirty (30) calendar days of the date that a notice of deficiency is presented by certified mail to the organization, it shall submit to the department a plan of correction.

1. The plan must address each deficiency, specifying the method of correction and the date the correction shall be completed.

2. Within fifteen (15) calendar days after receiving the plan of correction, the department shall notify the organization of its decision to approve, disapprove, or require revisions of the proposed plan.

3. In the event that the organization has not submitted a plan of correction acceptable to the department within ninety (90) days of the original date that written notice of deficiencies was presented by certified mail to the organization, it shall be subject to expiration of certification.

(5) The department may grant certification on a temporary, provisional, conditional, or compliance status. In determining certification status, the department shall consider patterns and trends of performance identified during the site survey.

(A) Temporary status shall be granted to an organization if the survey process has not been completed prior to the expiration of an existing certificate and the applicant is not at fault for failure or delay in completing the survey process.

(B) Provisional status for a period of one hundred and eighty (180) calendar days shall be granted to a new organization or program based on a site review which finds the program in compliance with requirements related to policy and procedure, facility, personnel, and staffing patterns sufficient to begin providing services.

1. In the department's initial determination and granting of provisional certification, the organization shall not be expected to fully comply with those standards which reflect ongoing program activities.

2. Within one hundred and eighty (180) calendar days of granting provisional certification, the department shall conduct a comprehensive or expedited site survey and shall make a further determination of the organization's certification status.

(C) Conditional status shall be granted to an organization which, upon a site survey by the department, is found to have numerous or significant deficiencies with standards that may affect quality of care to individuals but there is reasonable expectation that the organization can achieve compliance within a stipulated time period.

1. The period of conditional status shall not exceed one hundred and eighty (180) calendar days. The department may directly monitor progress, may require the organization to submit progress reports, or both.

2. The department shall conduct a further site survey within the one hundred and eighty (180)-day period and make a further determination of the organization's compliance with standards.

(D) Compliance status for a period of one (1) year shall be awarded to an organization which, upon a site survey by the department, is found to fully assure individual safety, health and welfare and to meet all standards relating to quality of care. A two (2)-year time period may be granted if an organization meets performance criteria established by the department for Continuing Compliance with Distinction.

(6) The department may conduct a scheduled or unscheduled site survey of an organization at any time to monitor ongoing compliance with these rules. If any survey finds conditions that are not in compliance with applicable certification standards, the department may require corrective action steps and may change the organization's certification status consistent with procedures set out in this rule.

(7) The department shall certify only the organization named in the application, and the organization may not transfer certification without the written approval of the department.

(A) A certificate is the property of the department and is valid only as long as the organization meets standards of care and other requirements.

(B) The organization shall maintain the certificate issued by the department in a readily available location.

(C) Within seven (7) calendar days of the time a certified organization is sold, leased, discontinued, moved to a new location, has a change in its accreditation status, appoints a new director, or changes programs or services offered, the organization shall provide written notice to the department of any such change.

(D) A certified organization that establishes a new program or type of program shall operate that program in accordance with applicable standards. A provisional review, expedited site survey or comprehensive site survey shall be conducted, as determined by the department.

(8) The department may deny issuance of and may revoke certification based on a determination that—

(A) The nature of the deficiencies results in substantial probability of or actual jeopardy to individuals being served;

(B) Serious or repeated incidents of abuse or neglect of individuals being served or violations of rights have occurred;

(C) Fraudulent fiscal practices have transpired or significant and repeated errors in billings to the department have occurred;

(D) Failure to participate in the certification process in good faith, including falsification or fabrication of any information used to determine compliance with requirements;

(E) The nature and extent of deficiencies results in the failure to conform to the basic principles and requirements of the program or service being offered; or

(F) Compliance with standards has not been attained by an organization upon expiration of conditional certification.

(9) The department, at its discretion, may—

(A) Place a monitor at a program if there is substantial probability of or actual jeopardy to the safety, health or welfare of individuals being served.

1. The cost of the monitor shall be charged to the organization at a reasonable rate established by the department.

2. The department shall remove the monitor when a determination is made that the safety, health and welfare of individuals being served is no longer at risk; and

(B) Take other action to ensure and protect the safety, health or welfare of individuals being served.

(10) An organization which has had certification denied or revoked may appeal to the director of the department within thirty (30) calendar days following notice of the denial or revocation being presented by certified mail to the organization. The director of the department shall conduct a hearing under procedures set out in Chapter 536, RSMo and issue findings of fact, conclusions of law and a decision which shall be final.

(11) The department shall have authority to impose administrative sanctions.

(A) The department may suspend the certification process pending completion of an investigation when an organization that has applied for certification the staff of that organization, is under investigation for fraud, financial abuse, personal abuse or improper clinical practices.

(B) The department may administratively sanction a certified organization that has been found to have committed fraud, financial abuse, personal abuse or improper clinical practices or that had reason to know its staff were engaged in improper practices.

(C) Administrative sanctions include, but are not limited to, suspension of certification, clinical utilization review requirements, suspension of new admissions, denial or revocation of certification, or other actions as determined by the department.

(D) The department shall have the authority to refuse to accept for a period of up to twenty-four (24) months an application for certification from an organization that has had certification denied or revoked or that has been found to have committed fraud, financial abuse or improper clinical practices or whose staff and clinicians were engaged in improper practices.

(E) An organization may appeal these sanctions pursuant to section (10).

(12) An organization may request the department's exceptions committee to waive a requirement for certification if the head of the organization provides evidence that a waiver is in the best interests of the individuals it serves.

(A) A request for a waiver shall be in writing and shall include justification for the request.

(B) The request shall be submitted to Exceptions Committee, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102.

(C) The exceptions committee shall hold meetings in accordance with Chapter 610, RSMo and shall respond with a written decision within forty-five (45) calendar days of receiving a request.

(D) The exceptions committee may issue a waiver on a time-limited or other basis.

(E) If a waiver request is denied, the exceptions committee may give the organization forty-five (45) calendar days to fully comply with the standard, unless a different time period is specified by the committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this rule under consideration with the Core Rules Committee, Attn: Bob McClain, Department of Mental Health, P.O. Box 687, Jefferson City, MO 65102. To be considered, comments must be received within forty-five days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B1Z00097 Outboard Motors 12/1/99;
B1Z00119 Mail Management System 12/1/99;
B3Z00082 Vending Services; I-44 Rest Areas 12/1/99;
B1Z00130 Bakery Products 12/2/99;
B1Z00132 Truck: Tractor 12/2/99;
B1Z00133 Mail Tracking System 12/2/99;
B1Z00134 Dairy Products 12/2/99;
B3Z00066 Audit Services-Counties 12/3/99;
B1Z00125 Paper: Bath Tissue & Towels 12/6/99;
B1Z00129 Generator, Portable, Trailer Mounted 12/6/99;
B1Z00138 Electrical Supplies: Sam A. Baker State Park 12/6/99;
B1Z00139 Electrical Supplies: Meramec State Park 12/6/99;
B2Z00040 Cartridge Recharging Supplies 12/6/99;
B1Z00126 Paper: Office and Printing 12/7/99;
B1Z00128 Supplies: Janitorial 12/7/99;
B1Z00140 Boom: Articulating 12/7/99;
B3Z00085 Educational Services-Program Evaluation 12/7/99;
B1Z00136 Grocery-3rd Quarter, January-March 12/8/99;
B3Z00071 Refugee Resettlement Program 12/8/99;
B1Z00142 Tractor and Lawn Equipment 12/9/99;
B1Z00143 Janitorial Supplies 12/10/99;
B1Z00163 Windshield: Auto Replacement & Repair 12/13/99.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

- 1.) Epidemiology of Speech, Language, and Hearing in Low Birth Weight Infants, supplied by Research Medical Center.
- 2.) Software Maintenance, supplied by Unisoft Systems, Inc.
- 3.) Special Education Expenditure Project, supplied by American Institute for Research.

Joyce Murphy, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

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This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—21 (1996), 22 (1997), 23 (1998) and 24 (1999). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

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1 CSR 10	State Officials' Salary Compensation Schedule				23 MoReg 2473 24 MoReg 2535
1 CSR 10-15.010	Commissioner of Administration		24 MoReg 2577		
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1 CSR 20-5.015	Personnel Advisory Board		24 MoReg 2578		
1 CSR 20-5.020	Personnel Advisory Board		24 MoReg 2579		
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2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development		23 MoReg 2676		
2 CSR 60-1.010	Grain Inspection and Warehousing		This Issue		
2 CSR 60-4.011	Grain Inspection and Warehousing		This Issue		
2 CSR 60-4.040	Grain Inspection and Warehousing		This IssueR		
2 CSR 60-4.070	Grain Inspection and Warehousing		This Issue		
2 CSR 60-4.110	Grain Inspection and Warehousing		This Issue		
2 CSR 60-4.140	Grain Inspection and Warehousing		This Issue		
2 CSR 60-4.150	Grain Inspection and Warehousing		This Issue		
2 CSR 60-4.180	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.010	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.020	Grain Inspection and Warehousing		This IssueR		
2 CSR 60-5.030	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.040	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.050	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.070	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.080	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.100	Grain Inspection and Warehousing		This Issue		
2 CSR 60-5.120	Grain Inspection and Warehousing		This Issue		
2 CSR 70-13.010	Plant Industries		24 MoReg 1821	24 MoReg 2712	
2 CSR 70-13.015	Plant Industries		24 MoReg 1821	24 MoReg 2712	
2 CSR 70-13.020	Plant Industries		24 MoReg 1822	24 MoReg 2712	
2 CSR 70-13.025	Plant Industries		24 MoReg 1822	24 MoReg 2712	
2 CSR 70-13.030	Plant Industries		24 MoReg 1823	24 MoReg 2713	
2 CSR 70-13.035	Plant Industries		24 MoReg 1825	24 MoReg 2713	
2 CSR 70-13.040	Plant Industries		24 MoReg 1827	24 MoReg 2713	
2 CSR 80-2.180	State Milk Board	24 MoReg 2675			
2 CSR 90-30.050	Weights and Measures		24 MoReg 1195	24 MoReg 2505	
2 CSR 90-30.060	Weights and Measures		24 MoReg 1200R	24 MoReg 2508R	
2 CSR 90-30.070	Weights and Measures		24 MoReg 1200	24 MoReg 2508	
2 CSR 90-30.080	Weights and Measures		24 MoReg 1203	24 MoReg 2509	
2 CSR 90-30.090	Weights and Measures		24 MoReg 1203	24 MoReg 2509	
2 CSR 90-30.100	Weights and Measures		24 MoReg 1207	24 MoReg 2509	
2 CSR 100-8.010	Agricultural and Small Business Authority	24 MoReg 1787R	24 MoReg 1829R	24 MoReg 2713R	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		This Issue		
3 CSR 10-4.115	Conservation Commission		24 MoReg 1479	24 MoReg 2156	
3 CSR 10-4.116	Conservation Commission		24 MoReg 2581		
3 CSR 10-4.116	Conservation Commission		24 MoReg 1484	24 MoReg 2156	
3 CSR 10-4.125	Conservation Commission		24 MoReg 2582		
3 CSR 10-5.205	Conservation Commission		24 MoReg 2583		
3 CSR 10-5.210	Conservation Commission		24 MoReg 1486	24 MoReg 2157	
3 CSR 10-5.215	Conservation Commission		24 MoReg 2583		
3 CSR 10-6.405	Conservation Commission		24 MoReg 1486	24 MoReg 2157	
3 CSR 10-6.405	Conservation Commission		24 MoReg 2586		
3 CSR 10-7.405	Conservation Commission		24 MoReg 1487	24 MoReg 2158	
3 CSR 10-7.440	Conservation Commission		24 MoReg 2586		
3 CSR 10-8.505	Conservation Commission		24 MoReg 1487	24 MoReg 2158	
3 CSR 10-9.442	Conservation Commission		24 MoReg 2587		
3 CSR 10-9.442	Conservation Commission		N.A.	24 MoReg 2509	
3 CSR 10-9.442	Conservation Commission		24 MoReg 2587		
3 CSR 10-9.442	Conservation Commission		N.A.	24 MoReg 2510	

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4 CSR 40-1.021	Office of Athletics21	MoReg 2680		
4 CSR 40-5.070	Office of Athletics21	MoReg 1963		
4 CSR 70-2.040	State Board of Chiropractic Examiners .....		.24 MoReg 2201		
4 CSR 70-2.050	State Board of Chiropractic Examiners .....		.24 MoReg 2201		
4 CSR 70-2.070	State Board of Chiropractic Examiners .....		.24 MoReg 2202		
4 CSR 70-2.090	State Board of Chiropractic Examiners .....		.24 MoReg 1722 .....	.24 MoReg 2590	
4 CSR 90-13.020	State Board of Cosmetology .....		.23 MoReg 1952		
4 CSR 90-13.040	State Board of Cosmetology .....		.24 MoReg 1724 .....	.24 MoReg 2713	
4 CSR 90-13.060	State Board of Cosmetology .....		.24 MoReg 1724 .....	.24 MoReg 2713	
4 CSR 100	Division of Credit Unions .....				.24 MoReg 2647 .24 MoReg 2721
4 CSR 105-1.010	Credit Union Commission .....		.24 MoReg 1829		
4 CSR 105-2.010	Credit Union Commission .....	.24	MoReg 1787 .....	.24 MoReg 1833	
4 CSR 105-3.010	Credit Union Commission .....	.24	MoReg 1788 .....	.24 MoReg 1839	
4 CSR 105-3.020	Credit Union Commission .....	.24	MoReg 1789 .....	.24 MoReg 1839	
4 CSR 105-3.030	Credit Union Commission .....	.24	MoReg 1790 .....	.24 MoReg 1839	
4 CSR 120-2.060	Board of Embalmers and Funeral Directors .....		.24 MoReg 2128		
4 CSR 120-2.100	Board of Embalmers and Funeral Directors .....		.24 MoReg 2129		
4 CSR 150-2.001	State Board of Registration for the Healing Arts .....		.23 MoReg 2565		
4 CSR 150-2.065	State Board of Registration for the Healing Arts .....		.23 MoReg 2566		
4 CSR 150-3.080	State Board of Registration for the Healing Arts .....		.24 MoReg 1497 .....	.24 MoReg 2636	
4 CSR 150-3.200	State Board of Registration for the Healing Arts .....		.24 MoReg 1497 .....	.24 MoReg 2636	
4 CSR 150-3.201	State Board of Registration for the Healing Arts .....		.24 MoReg 1498 .....	.24 MoReg 2636	
4 CSR 150-3.202	State Board of Registration for the Healing Arts .....		.24 MoReg 1502 .....	.24 MoReg 2637	
4 CSR 150-3.203	State Board of Registration for the Healing Arts .....		.24 MoReg 1506 .....	.24 MoReg 2714	
4 CSR 150-7.135	State Board of Registration for the Healing Arts .....		.24 MoReg 2131		
4 CSR 150-7.300	State Board of Registration for the Healing Arts .....		.23 MoReg 2703		
4 CSR 150-7.310	State Board of Registration for the Healing Arts .....		.23 MoReg 2711		
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists .....		.24 MoReg 1840 .....	.24 MoReg 2716	
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Specialists .....		.24 MoReg 1840 .....	.24 MoReg 2716	
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists .....		.24 MoReg 1840 .....	.24 MoReg 2717	
4 CSR 195-5.010	Workforce Development .....		.24 MoReg 2314		
4 CSR 195-5.020	Workforce Development .....		.24 MoReg 2315		
4 CSR 195-5.030	Workforce Development .....		.24 MoReg 2318		
4 CSR 210-2.060	State Board of Optometry .....		.22 MoReg 1443		
4 CSR 220-2.010	State Board of Pharmacy .....		.24 MoReg 1841	This Issue	
4 CSR 220-2.020	State Board of Pharmacy .....		.24 MoReg 1841	This Issue	
4 CSR 220-2.160	State Board of Pharmacy .....		.24 MoReg 1842	This Issue	
4 CSR 230-2.010	Board of Podiatric Medicine24 MoReg 164924 MoReg 2590	
4 CSR 230-2.065	Board of Podiatric Medicine24 MoReg 165024 MoReg 2590	
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4 CSR 235-1.015	State Committee of Psychologists24 MoReg 2132		
4 CSR 235-1.025	State Committee of Psychologists24 MoReg 2132		
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4 CSR 235-1.030	State Committee of Psychologists24 MoReg 2134		
4 CSR 235-1.031	State Committee of Psychologists24 MoReg 2134		
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4 CSR 235-1.063	State Committee of Psychologists24 MoReg 2135		
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4 CSR 235-2.040	State Committee of Psychologists24 MoReg 2135		
4 CSR 235-2.050	State Committee of Psychologists24 MoReg 2137		
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4 CSR 235-2.070	State Committee of Psychologists24 MoReg 2140		
4 CSR 235-3.020	State Committee of Psychologists24 MoReg 2140		
4 CSR 235-4.030	State Committee of Psychologists24 MoReg 2141		
4 CSR 240-2.010	Public Service Commission24 MoReg 2318R		
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4 CSR 240-2.015	Public Service Commission24 MoReg 2319		
4 CSR 240-2.020	Public Service Commission24 MoReg 2142	This Issue	
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4 CSR 240-2.065	Public Service Commission24 MoReg 2324R		
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4 CSR 240-2.070	Public Service Commission24 MoReg 2325R		
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4 CSR 240-2.075	Public Service Commission24 MoReg 2326R		
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4 CSR 240-2.080	Public Service Commission24 MoReg 2327R		
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4 CSR 240-2.090	Public Service Commission24 MoReg 2329R		
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4 CSR 240-2.100	Public Service Commission24 MoReg 2330R		
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4 CSR 240-2.115	Public Service Commission		.24 MoReg 2331		
4 CSR 240-2.116	Public Service Commission		.24 MoReg 2331R		
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4 CSR 240-2.120	Public Service Commission		.24 MoReg 2332R		
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4 CSR 240-2.125	Public Service Commission		.24 MoReg 2333R		
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4 CSR 240-2.130	Public Service Commission		.24 MoReg 2333R		
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4 CSR 240-2.140	Public Service Commission		.24 MoReg 2334R		
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4 CSR 240-2.150	Public Service Commission		.24 MoReg 2336R		
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4 CSR 240-2.160	Public Service Commission		.24 MoReg 2336R		
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4 CSR 240-2.160	Public Service Commission		.24 MoReg 2337R		
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4 CSR 240-2.170	Public Service Commission		.24 MoReg 2338R		
4 CSR 240-2.180	Public Service Commission		.24 MoReg 2338R		
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4 CSR 240-2.200	Public Service Commission		.24 MoReg 2339R		
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4 CSR 240-18.010	Public Service Commission		.24 MoReg 2340		
4 CSR 240-20.015	Public Service Commission		.24 MoReg 1340		
4 CSR 240-20.017	Public Service Commission		.24 MoReg 281	.....24 MoReg 1680	
4 CSR 240-32.110	Public Service Commission		.24 MoReg 2341		
4 CSR 240-32.120	Public Service Commission		.24 MoReg 2344		
4 CSR 240-33.010	Public Service Commission		.24 MoReg 2347R		
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4 CSR 240-33.020	Public Service Commission		.24 MoReg 2347R		
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4 CSR 240-33.040	Public Service Commission		.24 MoReg 2351R		
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4 CSR 240-33.050	Public Service Commission		.24 MoReg 2355R		
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4 CSR 240-33.060	Public Service Commission		.24 MoReg 2359R		
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4 CSR 240-33.070	Public Service Commission		.24 MoReg 2362R		
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4 CSR 240-33.080	Public Service Commission		.24 MoReg 2367R		
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4 CSR 240-33.090	Public Service Commission		.24 MoReg 2371R		
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4 CSR 240-33.100	Public Service Commission		.24 MoReg 2371R		
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4 CSR 240-33.110	Public Service Commission		.24 MoReg 2372R		
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4 CSR 240-33.120	Public Service Commission		.24 MoReg 2373		
4 CSR 240-33.130	Public Service Commission		.24 MoReg 2376		
4 CSR 240-33.140	Public Service Commission		.24 MoReg 2376		
4 CSR 240-33.150	Public Service Commission	.23 MoReg 2911			
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4 CSR 240-40.015	Public Service Commission		.24 MoReg 1346		
4 CSR 240-40.016	Public Service Commission		.24 MoReg 1352		
4 CSR 240-80.015	Public Service Commission		.24 MoReg 1359		
4 CSR 245-4.020	Real Estate Appraisers		.24 MoReg 1846	.....24 MoReg 2717	
4 CSR 245-4.050	Real Estate Appraisers		.24 MoReg 1846	.....24 MoReg 2717	
4 CSR 245-5.010	Real Estate Appraisers		.24 MoReg 1847	.....24 MoReg 2717	
4 CSR 245-5.020	Real Estate Appraisers		.24 MoReg 1847	.....24 MoReg 2717	
4 CSR 245-8.010	Real Estate Appraisers		.24 MoReg 1848	.....24 MoReg 2717	
4 CSR 245-8.040	Real Estate Appraisers		.24 MoReg 1849	.....24 MoReg 2718	
4 CSR 263-3.140	Licensed Clinical Social Workers		.24 MoReg 2143		
4 CSR 265-10.025	Division of Motor Carrier and Railroad Safety		.24 MoReg 2203		
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5 CSR 30-345.020	Division of School Services		.24 MoReg 2627		
5 CSR 30-345.030	Division of School Services		.24 MoReg 2628		
5 CSR 50-270.050	Division of Instruction		.24 MoReg 877		
5 CSR 50-321.010	Division of Instruction		.24 MoReg 1365	.....24 MoReg 2511	
5 CSR 60-100.010	Vocational and Adult Education		N.A.	.....This Issue	
5 CSR 60-120.010	Vocational and Adult Education		N.A.	.....This Issue	
5 CSR 80-800.290	Urban and Teacher Education	.24 MoReg 2123	.24 MoReg 2143		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-2.100	Commissioner of Higher Education		.24 MoReg 1650This Issue	
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7 CSR 10-2.010	Highways and Transportation Commission		.24 MoReg 1367R		
			.24 MoReg 1367		

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7 CSR 10-6.010	Highways and Transportation Commission		24 MoReg 765		
7 CSR 10-6.015	Highways and Transportation Commission		24 MoReg 2377		
7 CSR 10-6.040	Highways and Transportation Commission		24 MoReg 766		
7 CSR 10-6.040	Highways and Transportation Commission		24 MoReg 2378		
7 CSR 10-6.050	Highways and Transportation Commission		24 MoReg 767		
7 CSR 10-6.060	Highways and Transportation Commission		24 MoReg 2379		
7 CSR 10-6.070	Highways and Transportation Commission		24 MoReg 768		
7 CSR 10-6.085	Highways and Transportation Commission		24 MoReg 2381		
7 CSR 10-6.085	Highways and Transportation Commission		24 MoReg 769		
7 CSR 10-6.085	Highways and Transportation Commission		24 MoReg 2381		
7 CSR 10-19.020	Highways and Transportation Commission		24 MoReg 770		
7 CSR 10-19.030	Highways and Transportation Commission		24 MoReg 2382		
7 CSR 10-19.030	Highways and Transportation Commission		24 MoReg 773		
7 CSR 10-19.030	Highways and Transportation Commission		24 MoReg 2385		
7 CSR 10-19.020	Highways and Transportation Commission		22 MoReg 1226		
7 CSR 10-19.030	Highways and Transportation Commission		22 MoReg 1229		

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

8 CSR 40-2.010	State Board of Mediation	24 MoReg 1507	24 MoReg 2511
8 CSR 40-2.020	State Board of Mediation	24 MoReg 1508	24 MoReg 2511
8 CSR 40-2.030	State Board of Mediation	24 MoReg 1508	24 MoReg 2511
8 CSR 40-2.040	State Board of Mediation	24 MoReg 1509	24 MoReg 2511
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8 CSR 40-2.055	State Board of Mediation	24 MoReg 1509	24 MoReg 2512
8 CSR 40-2.070	State Board of Mediation	24 MoReg 1510	24 MoReg 2512
8 CSR 40-2.100	State Board of Mediation	24 MoReg 1510	24 MoReg 2512
8 CSR 40-2.110	State Board of Mediation	24 MoReg 1510	24 MoReg 2512
8 CSR 40-2.120	State Board of Mediation	24 MoReg 1511	24 MoReg 2512
8 CSR 40-2.130	State Board of Mediation	24 MoReg 1511	24 MoReg 2512
8 CSR 40-2.150	State Board of Mediation	24 MoReg 1511	24 MoReg 2513
8 CSR 40-2.160	State Board of Mediation	24 MoReg 1512	24 MoReg 2513
8 CSR 40-2.170	State Board of Mediation	24 MoReg 1512	24 MoReg 2513
8 CSR 40-2.180	State Board of Mediation	24 MoReg 1513	24 MoReg 2513
8 CSR 60-3.040	Commission on Human Rights	24 MoReg 2565	24 MoReg 2588

DEPARTMENT OF MENTAL HEALTH

9 CSR 10-7.010	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.020	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.030	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.040	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.050	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.060	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.070	Director, Department of Mental Health		This IssueRUC
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9 CSR 10-7.090	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.100	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.110	Director, Department of Mental Health		This IssueRUC
9 CSR 10-7.120	Director, Department of Mental Health		This IssueRUC
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9 CSR 25-4.040	Fiscal Management	24 MoReg 2386	
9 CSR 30-4.030	Certification Standards	24 MoReg 2191	24 MoReg 2215
9 CSR 30-4.034	Certification Standards	24 MoReg 2193	24 MoReg 2216
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9 CSR 30-4.039	Certification Standards	24 MoReg 2195	24 MoReg 2219
9 CSR 30-4.042	Certification Standards	24 MoReg 2197	24 MoReg 2220
9 CSR 30-4.043	Certification Standards	24 MoReg 2199	24 MoReg 2222
9 CSR 45-5.040	Mental Retardation and Developmental Disabilities	24 MoReg 2389	

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10 CSR 10-2.060	Air Conservation Commission	24 MoReg 2588R	
10 CSR 10-3.080	Air Conservation Commission	24 MoReg 2588R	
10 CSR 10-4.060	Air Conservation Commission	24 MoReg 2589R	
10 CSR 10-5.070	Air Conservation Commission	24 MoReg 2224	
10 CSR 10-5.090	Air Conservation Commission	24 MoReg 2589R	
10 CSR 10-5.295	Air Conservation Commission	24 MoReg 2001	
10 CSR 10-5.380	Air Conservation Commission	24 MoReg 1513	24 MoReg 2637
10 CSR 10-5.446	Air Conservation Commission	24 MoReg 19	
10 CSR 10-5.490	Air Conservation Commission	24 MoReg 2680	
10 CSR 10-5.500	Air Conservation Commission	24 MoReg 2007	
10 CSR 10-5.510	Air Conservation Commission	24 MoReg 2012	
10 CSR 10-5.520	Air Conservation Commission	24 MoReg 2020	
10 CSR 10-5.530	Air Conservation Commission	24 MoReg 2025	
10 CSR 10-5.540	Air Conservation Commission	24 MoReg 2034	
10 CSR 10-5.550	Air Conservation Commission	24 MoReg 2041	
10 CSR 10-6.020	Air Conservation Commission	24 MoReg 2629	
10 CSR 10-6.065	Air Conservation Commission	24 MoReg 2630	
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10 CSR 10-6.070	Air Conservation Commission	24 MoReg 2226	

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10 CSR 10-6.080	Air Conservation Commission		.24 MoReg 2230		
10 CSR 10-6.110	Air Conservation Commission		.24 MoReg 152024 MoReg 2642		
10 CSR 10-6.170	Air Conservation Commission		.22 MoReg 2129		
10 CSR 10-6.220	Air Conservation Commission		.24 MoReg 1054 .....24 MoReg 2516		
10 CSR 10-6.230	Air Conservation Commission		.24 MoReg 1215R.....24 MoReg 2520R		
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10 CSR 10-6.310	Air Conservation Commission		.24 MoReg 2686		
10 CSR 20-3.010	Clean Water Commission		.24 MoReg 1225R		
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10 CSR 20-4.023	Clean Water Commission		.24 MoReg 1849		
10 CSR 20-4.030	Clean Water Commission		.24 MoReg 1849		
10 CSR 20-4.041	Clean Water Commission		.24 MoReg 1850		
10 CSR 20-4.043	Clean Water Commission		.24 MoReg 1852		
10 CSR 20-4.061	Clean Water Commission		.24 MoReg 1724		
10 CSR 20-7.015	Clean Water Commission		.24 MoReg 879 .....24 MoReg 2521		
10 CSR 20-10.012	Clean Water Commission		.24 MoReg 1056		
10 CSR 20-10.022	Clean Water Commission		.24 MoReg 1056		
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10 CSR 20-11.092	Clean Water Commission		.24 MoReg 1058		
10 CSR 20-12.010	Clean Water Commission		.24 MoReg 1058R		
10 CSR 20-12.020	Clean Water Commission		.24 MoReg 1059R		
10 CSR 20-12.025	Clean Water Commission		.24 MoReg 1059R		
10 CSR 20-12.030	Clean Water Commission		.24 MoReg 1059R		
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10 CSR 20-12.050	Clean Water Commission		.24 MoReg 1061R		
10 CSR 20-12.060	Clean Water Commission		.24 MoReg 1061R		
10 CSR 20-12.061	Clean Water Commission		.24 MoReg 1061R		
10 CSR 20-12.062	Clean Water Commission		.24 MoReg 1062R		
10 CSR 20-12.070	Clean Water Commission		.24 MoReg 1062R		
10 CSR 20-12.080	Clean Water Commission		.24 MoReg 1062R		
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10 CSR 25-12.010	Hazardous Waste Management		.24 MoReg 138324 MoReg 2593		
10 CSR 25-14.010	Hazardous Waste Management		.24 MoReg 1248R24 MoReg 2594R		
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10 CSR 45-1.010	Metallic Minerals		.24 MoReg 2049		
10 CSR 45-2.010	Metallic Minerals		.24 MoReg 2049		
10 CSR 45-3.010	Metallic Minerals		.24 MoReg 1258R		
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10 CSR 45-6.010	Metallic Minerals		.24 MoReg 2049		
10 CSR 45-6.020	Metallic Minerals		.24 MoReg 2049		
10 CSR 45-6.030	Metallic Minerals		.24 MoReg 2050		
10 CSR 60-3.010	Public Drinking Water Program	.24	MoReg 2365 .....24 MoReg 1852		
10 CSR 60-3.020	Public Drinking Water Program	.24	MoReg 2567 .....24 MoReg 1854		
10 CSR 60-3.030	Public Drinking Water Program	.24	MoReg 2568 .....24 MoReg 1863		
10 CSR 60-5.010	Public Drinking Water Program		.24 MoReg 1870		
10 CSR 60-6.010	Public Drinking Water Program		.24 MoReg 1878		
10 CSR 60-6.020	Public Drinking Water Program		.24 MoReg 1880		
10 CSR 60-6.030	Public Drinking Water Program		.24 MoReg 1886		
10 CSR 60-6.070	Public Drinking Water Program		.24 MoReg 1887		
10 CSR 60-8.030	Public Drinking Water Program		.24 MoReg 1899		
10 CSR 70-5.060	Soil and Water Districts Commission				.23 MoReg 2267S
10 CSR 80-2.040	Solid Waste Management		.24 MoReg 1267R24 MoReg 2595R		
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10 CSR 100-1.010	Petroleum Storage Tank Insurance Fund		.24 MoReg 106324 MoReg 2523		
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund		.24 MoReg 1065 .....24 MoReg 2524		
10 CSR 100-3.010	Petroleum Storage Tank Insurance Fund		.24 MoReg 1066 .....24 MoReg 2524		
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund		.24 MoReg 1069 .....24 MoReg 2524		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund		.24 MoReg 1075 .....24 MoReg 2525		
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund		.24 MoReg 1081 .....24 MoReg 2526		
10 CSR 100-5.020	Petroleum Storage Tank Insurance Fund		.24 MoReg 1093 .....24 MoReg 2529		
10 CSR 100-5.030	Petroleum Storage Tank Insurance Fund		.24 MoReg 109624 MoReg 2529		
10 CSR 140-2	Division of Energy				.24 MoReg 2243

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11 CSR 45-1.090	Missouri Gaming Commission		.24 MoReg 1652This Issue
11 CSR 45-5.180	Missouri Gaming Commission		.24 MoReg 153424 MoReg 2642
11 CSR 45-9.030	Missouri Gaming Commission		.24 MoReg 1652This Issue
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11 CSR 45-13.055	Missouri Gaming Commission	.24	MoReg 212424 MoReg 2144
11 CSR 45-17.020	Missouri Gaming Commission		.24 MoReg 109824 MoReg 2530
11 CSR 45-17.040	Missouri Gaming Commission		.24 MoReg 110024 MoReg 2530
11 CSR 45-30.180	Missouri Gaming Commission		This Issue
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11 CSR 45-30.210	Missouri Gaming Commission		This Issue
11 CSR 45-30.220	Missouri Gaming Commission		This Issue
11 CSR 45-30.280	Missouri Gaming Commission		This Issue
11 CSR 45-30.370	Missouri Gaming Commission		.24 MoReg 153424 MoReg 2718
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11 CSR 45-30.525	Missouri Gaming Commission		24 MoReg 1534	24 MoReg 2642	
11 CSR 45-30.600	Missouri Gaming Commission		24 MoReg 1535	24 MoReg 2643	
11 CSR 50-2.350	Missouri State Highway Patrol	This IssueR	This IssueR		
11 CSR 50-2.360	Missouri State Highway Patrol	This IssueR	This IssueR		
11 CSR 50-2.370	Missouri State Highway Patrol	This IssueR	This IssueR		
11 CSR 50-2.380	Missouri State Highway Patrol	This IssueR	This IssueR		
11 CSR 50-2.390	Missouri State Highway Patrol	This IssueR	This IssueR		
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11 CSR 50-2.404	Missouri State Highway Patrol	This IssueR	This IssueR		
11 CSR 50-2.405	Missouri State Highway Patrol	This IssueR	This IssueR		
11 CSR 50-2.406	Missouri State Highway Patrol	This IssueR	This IssueR		
11 CSR 50-2.407	Missouri State Highway Patrol	This IssueR	This IssueR		
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11 CSR 70-2.190	Division of Liquor Control		24 MoReg 2390		
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11 CSR 75-10.070	Peace Officer Standards and Training		24 MoReg 1915	24 MoReg 2719	
11 CSR 75-12.010	Peace Officer Standards and Training		24 MoReg 1733	24 MoReg 2719	
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11 CSR 75-12.030	Peace Officer Standards and Training		24 MoReg 1734	24 MoReg 2720	
11 CSR 80-5.010	Division of Water Safety	This Issue			
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12 CSR 10-3.003	Director of Revenue		24 MoReg 2632		
12 CSR 10-3.056	Director of Revenue		24 MoReg 2051R	This IssueR	
12 CSR 10-3.106	Director of Revenue		24 MoReg 2051R	This IssueR	
12 CSR 10-3.108	Director of Revenue		24 MoReg 2051R	This IssueR	
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12 CSR 10-23.446	Director of Revenue	24 MoReg 2270	24 MoReg 2391		
12 CSR 10-23.450	Director of Revenue				
12 CSR 10-24.430	Director of Revenue		24 MoReg 2391		
12 CSR 10-26.010	Director of Revenue		This Issue		
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12 CSR 10-26.030	Director of Revenue		This Issue		
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12 CSR 10-26.120	Director of Revenue		This Issue		
12 CSR 10-26.130	Director of Revenue		This Issue		
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12 CSR 10-42.030	Director of Revenue		24 MoReg 1735R	24 MoReg 2720R	
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12 CSR 10-43.020	Director of Revenue		24 MoReg 2230		
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12 CSR 10-111.010	Director of Revenue		24 MoReg 2392		
12 CSR 10-111.013	Director of Revenue		24 MoReg 2632		
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12 CSR 30-1.030	State Tax Commission		24 MoReg 2695		
12 CSR 30-2.017	State Tax Commission		24 MoReg 2696		
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12 CSR 40-20.040	State Lottery		24 MoReg 1736	24 MoReg 2643	
12 CSR 40-80.010	State Lottery		24 MoReg 1736	24 MoReg 2643	
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12 CSR 40-80.030	State Lottery		24 MoReg 1737	24 MoReg 2644	
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12 CSR 40-90.010	State Lottery		24 MoReg 1739R	24 MoReg 2644R	
12 CSR 40-90.020	State Lottery		24 MoReg 1739R	24 MoReg 2644R	
12 CSR 40-90.030	State Lottery		24 MoReg 1739R	24 MoReg 2645R	
12 CSR 40-90.040	State Lottery		24 MoReg 1739R	24 MoReg 2645R	
12 CSR 40-90.050	State Lottery		24 MoReg 1740R	24 MoReg 2645R	

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12 CSR 40-90.070	State Lottery		24 MoReg 1740R	24 MoReg 2645R	
12 CSR 40-90.080	State Lottery		24 MoReg 1740R	24 MoReg 2645R	
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12 CSR 40-90.100	State Lottery		24 MoReg 1741R	24 MoReg 2646R	
12 CSR 40-90.110	State Lottery		24 MoReg 1741	24 MoReg 2646	
12 CSR 40-90.120	State Lottery		24 MoReg 1741R	24 MoReg 2646R	
12 CSR 60-1.010	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.020	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.030	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.040	Motor Vehicle Commission		24 MoReg 2703R		
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12 CSR 60-1.060	Motor Vehicle Commission		24 MoReg 2703R		
12 CSR 60-2.010	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.020	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.030	Motor Vehicle Commission		24 MoReg 2704R		
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12 CSR 60-2.100	Motor Vehicle Commission		24 MoReg 2706R		
12 CSR 60-2.110	Motor Vehicle Commission		24 MoReg 2706R		
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12 CSR 60-4.010	Motor Vehicle Commission		24 MoReg 2708R		
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12 CSR 60-4.030	Motor Vehicle Commission		24 MoReg 2709R		
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12 CSR 60-4.060	Motor Vehicle Commission		24 MoReg 2710R		
12 CSR 60-4.070	Motor Vehicle Commission		24 MoReg 2710R		
12 CSR 60-4.080	Motor Vehicle Commission		24 MoReg 2710R		
12 CSR 60-5.010	Motor Vehicle Commission		24 MoReg 2711R		

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13 CSR 15-14.012	Division of Aging	24 MoReg 1473	24 MoReg 2054This Issue
13 CSR 15-14.022	Division of Aging	24 MoReg 1474	24 MoReg 2054This Issue
13 CSR 40-2.300	Division of Family Services	23 MoReg 2133T		
13 CSR 40-2.305	Division of Family Services	23 MoReg 2133T		
13 CSR 40-2.310	Division of Family Services	23 MoReg 2133T		
13 CSR 40-2.315	Division of Family Services	23 MoReg 2133T		
13 CSR 40-2.320	Division of Family Services	23 MoReg 2134T		
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13 CSR 40-2.365	Division of Family Services	23 MoReg 2135T		
13 CSR 40-2.370	Division of Family Services	23 MoReg 2135T		
13 CSR 40-19.020	Division of Family Services	24 MoReg 2270	24 MoReg 2394	
13 CSR 40-80.010	Division of Family Services		24 MoReg 2395	
13 CSR 70-3.020	Medical Services		23 MoReg 1191	
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13 CSR 70-3.030	Medical Services		24 MoReg 1743	
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13 CSR 70-10.030	Medical Services	24 MoReg 711	24 MoReg 200	
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13 CSR 70-10.040	Medical Services		24 MoReg 1672This Issue
13 CSR 70-10.050	Medical Services	24 MoReg 2574	24 MoReg 167324 MoReg 2595
13 CSR 70-10.080	Medical Services	24 MoReg 2574	24 MoReg 2404	
13 CSR 70-10.110	Medical Services	24 MoReg 2575	24 MoReg 2406	
13 CSR 70-15.010	Medical Services		24 MoReg 1972
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13 CSR 70-15.040	Medical Services		24 MoReg 2408	
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19 CSR 30-70.120	Health Standards and Licensure	24 MoReg 2276	24 MoReg 2424		
19 CSR 30-70.130	Health Standards and Licensure	24 MoReg 2277	24 MoReg 2427		
19 CSR 30-70.140	Health Standards and Licensure	24 MoReg 2279	24 MoReg 2431		
19 CSR 30-70.150	Health Standards and Licensure	24 MoReg 2281	24 MoReg 2435		
19 CSR 30-70.160	Health Standards and Licensure	24 MoReg 2283	24 MoReg 2439		
19 CSR 30-70.170	Health Standards and Licensure	24 MoReg 2285	24 MoReg 2443		
19 CSR 30-70.180	Health Standards and Licensure	24 MoReg 2286	24 MoReg 2447		
19 CSR 30-70.190	Health Standards and Licensure	24 MoReg 2288	24 MoReg 2453		
19 CSR 30-70.195	Health Standards and Licensure	24 MoReg 2289	24 MoReg 2458		
19 CSR 30-70.200	Health Standards and Licensure	24 MoReg 2290	24 MoReg 2461		
19 CSR 30-70.310	Health Standards and Licensure	24 MoReg 2291	24 MoReg 2465		
19 CSR 30-70.320	Health Standards and Licensure	24 MoReg 2292	24 MoReg 2465		
19 CSR 30-70.330	Health Standards and Licensure	24 MoReg 2295	24 MoReg 2471		
19 CSR 30-70.340	Health Standards and Licensure	24 MoReg 2296	24 MoReg 2471		
19 CSR 30-70.350	Health Standards and Licensure	24 MoReg 2297	24 MoReg 2472		
19 CSR 30-70.360	Health Standards and Licensure	24 MoReg 2297	24 MoReg 2472		
19 CSR 30-70.370	Health Standards and Licensure	24 MoReg 2298	24 MoReg 2473		
19 CSR 30-70.380	Health Standards and Licensure	24 MoReg 2398	24 MoReg 2473		
19 CSR 30-70.390	Health Standards and Licensure	24 MoReg 2300	24 MoReg 2477		
19 CSR 30-70.400	Health Standards and Licensure	24 MoReg 2301	24 MoReg 2477		
19 CSR 30-70.510	Health Standards and Licensure	24 MoReg 2301	24 MoReg 2478		
19 CSR 30-70.520	Health Standards and Licensure	24 MoReg 2302	24 MoReg 2478		
19 CSR 30-70.600	Health Standards and Licensure	24 MoReg 2302	24 MoReg 2482		
19 CSR 30-70.610	Health Standards and Licensure	24 MoReg 2304	24 MoReg 2483		
19 CSR 30-70.620	Health Standards and Licensure	24 MoReg 2305	24 MoReg 2484		
19 CSR 30-70.630	Health Standards and Licensure	24 MoReg 2307	24 MoReg 2493		
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19 CSR 40-13.010	Maternal, Child and Family Health		24 MoReg 515		
19 CSR 40-13.020	Maternal, Child and Family Health		24 MoReg 526		
19 CSR 40-13.030	Maternal, Child and Family Health		24 MoReg 527		
19 CSR 60-50	Missouri Health Facilities Review			24 MoReg 2243	
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19 CSR 60-50.300	Missouri Health Facilities Review		This Issue		
19 CSR 60-50.310	Missouri Health Facilities Review		This Issue		
19 CSR 60-50.400	Missouri Health Facilities Review	24 MoReg 1790R	24 MoReg 1918RThis IssueR	
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19 CSR 60-50.410	Missouri Health Facilities Review	24 MoReg 1799R	24 MoReg 1926RThis IssueR	
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19 CSR 60-50.420	Missouri Health Facilities Review			24 MoReg 246	
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19 CSR 60-50.430	Missouri Health Facilities Review	24 MoReg 1806R	24 MoReg 1933RThis IssueR	
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19 CSR 60-50.450	Missouri Health Facilities Review	24 MoReg 1818R	24 MoReg 1947RThis IssueR	
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19 CSR 60-50.470	Missouri Health Facilities Review		This Issue		
19 CSR 60-50.700	Missouri Health Facilities Review		This Issue		
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20 CSR	Medical Malpractice			23 MoReg 514	
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20 CSR 10-1.020	General Administration		24 MoReg 154524 MoReg 2530	
20 CSR 200-5.010	Financial Examination		24 MoReg 155024 MoReg 2531	
20 CSR 200-6.100	Financial Examination		24 MoReg 1553	.....24 MoReg 2531	
20 CSR 200-7.200	Financial Examination		24 MoReg 1555	.....24 MoReg 2531	
20 CSR 200-8.100	Financial Examination		24 MoReg 1559	.....24 MoReg 2531	
20 CSR 200-9.600	Financial Examination		24 MoReg 1562	.....24 MoReg 2531	
20 CSR 200-10.500	Financial Examination		24 MoReg 1570	.....24 MoReg 2531	
20 CSR 200-14.400	Financial Examination		24 MoReg 1572	.....24 MoReg 2532	
20 CSR 400-1.150	Life, Annuities and Health		24 MoReg 1574	.....24 MoReg 2532	
20 CSR 400-2.130	Life, Annuities and Health		24 MoReg 1576	.....24 MoReg 2532	
20 CSR 500-1.100	Property and Casualty		24 MoReg 1585	.....24 MoReg 2532	
20 CSR 500-4.100	Property and Casualty		24 MoReg 1950		
20 CSR 500-4.300	Property and Casualty		24 MoReg 1585	.....24 MoReg 2532	
20 CSR 500-6.300	Property and Casualty		23 MoReg 1748		23 MoReg 514
20 CSR 500-7.200	Property and Casualty		23 MoReg 307124 MoReg 2533	
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20 CSR 700-1.010	Licensing		24 MoReg 129624 MoReg 2596	
20 CSR 700-1.100	Licensing		24 MoReg 129724 MoReg 2597	
20 CSR 700-1.110	Licensing		23 MoReg 3073		
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20 CSR 700-1.130	Licensing		24 MoReg 129724 MoReg 2597	
20 CSR 700-3.100	Licensing		23 MoReg 3076		
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20 CSR 700-4.100	Licensing		23 MoReg 3079		
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20 CSR 700-6.300	Licensing		23 MoReg 3082		
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20 CSR 700-7.100	Licensing		23 MoReg 3084		
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20 CSR 800-2.010	General Counsel		23 MoReg 3090		
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Emergency Rules in Effect as of December 1, 1999**Expires****Department of Agriculture****Market Development**

2 CSR 10-5.005	Price Reporting Requirements for Livestock Purchases by Packers	March 2, 2000
State Milk Board		
2 CSR 80-2.180	Adoption of the <i>Grade A Pasteurized Milk Ordinance</i> with Administrative Procedures—Recommendations of the United States Public Health Service/Food and Drug Administration (PMO)	May 1, 2000
Missouri Agricultural and Small Business Development Authority		
2 CSR 100-8.010	Description of Operation, Definitions, Applicant Requirements, Procedures for Grant Approval, Funding of Grants, and Amending the Rules for the Missouri Value-Added Grant Program	February 24, 2000

Department of Economic Development**Credit Union Commission**

4 CSR 105-2.010	Rules of Procedure	January 7, 2000
4 CSR 105-3.010	Definitions	January 7, 2000
4 CSR 105-3.020	Criteria for Additional Membership Groups	January 7, 2000
4 CSR 105-3.030	Economic Advisability	January 7, 2000
Public Service Commission		

4 CSR 240-33.150	Verification of Orders for Changing Telecommunications Service Provider	Terminated November 30, 1999
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Department of Elementary and Secondary Education**Urban and Teacher Education**

5 CSR 80-800.290	Application for Substitute Certificate of License to Teach	January 26, 2000
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Department of Transportation**Missouri Highways and Transportation Commission**

7 CSR 10-2.010	Overdimension and Overweight Permits	May 16, 2000
7 CSR 10-2.010	Overdimension and Overweight Permits	May 16, 2000
7 CSR 10-10.010	Definitions	May 16, 2000
7 CSR 10-10.040	Contractor Performance Questionnaire Used in Evaluating Contractor Performance	May 16, 2000
7 CSR 10-10.050	Procedure and Schedule for Completing the Contractor Performance Questionnaire	May 16, 2000
7 CSR 10-10.070	Procedure for Annual Rating of Contractors	May 16, 2000

Department of Labor and Industrial Relations**Missouri Commission on Human Rights**

8 CSR 60-3.040	Employment Practices Related to Men and Women	March 24, 2000
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Department of Mental Health**Certification Standards**

9 CSR 30-4.030	Certification Standards Definitions	February 17, 2000
9 CSR 30-4.034	Personnel and Staff Development	February 17, 2000
9 CSR 30-4.035	Client Records of a Community Psychiatric Rehabilitation Program	February 17, 2000
9 CSR 30-4.039	Service Provision	February 17, 2000
9 CSR 30-4.042	Admission Criteria	February 17, 2000
9 CSR 30-4.043	Treatment Provided by a Community Psychiatric Rehabilitation Program	February 17, 2000

Department of Natural Resources**Public Drinking Water Program**

10 CSR 60-3.010	Construction Authorization, Final Approval of Construction Owner-Supervised Program and Permit to Dispense Water	March 27, 2000
10 CSR 60-3.020	Continuing Operating Authority	March 27, 2000
10 CSR 60-3.030	Technical, Managerial, and Financial Capacity	March 27, 2000

Department of Public Safety**Missouri Gaming Commission**

11 CSR 45-17.020	Procedure for Applying for Placement on List of Disassociated Persons	January 20, 2000
11 CSR 45-13.055	Immediate Revocation or Suspension of License—Expedited Hearing	February 24, 2000

Department of Revenue**Director of Revenue**

12 CSR 10-23.446	Notice of Lien	February 23, 2000
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Department of Social Services

Division of Aging

13 CSR 15-10.060	Hiring Restrictions—Good Cause Waiver	January 10, 2000
13 CSR 15-14.012	Construction Standards for New Intermediate Care and Skilled Nursing Facilities and Additions to and Major Remodeling of Intermediate Care and Skilled Nursing Facilities	February 24, 2000
13 CSR 15-14.022	Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities	February 24, 2000
		February 24, 2000

Division of Family Services

13 CSR 40-19.020	Low Income Home Energy Assistance Program	March 28, 2000
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Division of Medical Services

13 CSR 70-4.090	Uninsured Working Parents' Health Insurance Program	Terminated October 15, 1999
13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services	March 29, 2000
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	March 29, 2000
13 CSR 70-10.050	Pediatric Nursing Care Plan	March 29, 2000
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Care Services	March 29, 2000
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance	March 29, 2000
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Reimbursement Methodology	December 24, 1999

Elected Officials

Treasurer

15 CSR 50-4.020	Missouri Higher Education Savings Board	March 11, 2000
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Department of Health

Environmental Public Health and Communicable Disease Prevention

19 CSR 20-8.010	Accreditation of Lead Training Program	February 25, 2000
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